

Washington, Friday, January 1, 1954

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10511

CREATING AN EMERGENCY BOARD TO IN-VESTIGATE DISPUTES BETWEEN THE AKRON, CANTON AND YOUNGSTOWN RAILROAD COMPANY AND OTHER CAR-RIERS AND CERTAIN OF THEIR EMPLOYELS

WHEREAS disputes exist between the Akron, Canton and Youngstown Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in list A attached hereto and made a part hereof, and certain of their employees represented by the fifteen cooperating (non-operating) railway labor organizations designated in list B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160) I hereby create a board of three members, to be appointed by me, to investigate the said disputes. No member of the said board shall be pecumarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Akron, Canton and Youngstown Railroad Company and other carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees or their em-

ployees in the conditions out of which the said disputes arose.

DWIGHT D. EISENHOWER

THE WHITE House, December 28, 1953.

LIST A

EASTERN REGION

Akron, Canton & Youngstown Railread. Ann Arbor Railread Company. Baltimore & Ohio Railread Company: Baltimore & Ohio Chicago Terminal Rail-

road Co. Curtis Bay Railroad.

Dayton and Union Railroad. Staten Island Rapid Transit Railway Co. Bessemer & Lake File Railroad Company. Boston & Maine Railroad Co. Boston Terminal Co. Brooklyn Eastern District Terminal.

Boston Terminal Co. Brooklyn Eastern District Terminal. Buffalo Creek Railroad Co. Bush Terminal Railroad Company. Canadian National Railways:

Canadian National Railways—Lines in N. E. United States & Canada Railroad. Champlain & St. Lawrence Railroad. Canadian National Railways—State of New York.

St. Clair Tunnel Company.
Central Railroad Co. of New Jercey.
Central Vermont Railway, Inc.
Chicago, Indianapolis & Louisville Railway.
Chicago Union Station Co.
Cincinnati Union Terminal Co.
Dayton Union Railway Company.
Delaware & Hudson Railroad Corporation.
Delaware, Lackawanna & Western Railroad

Co.
Detroit & Toledo Shore Line Railroad.
Detroit Terminal Railroad Company.
Detroit, Toledo & Ironton Railroad.
Erie Railroad Company.
Grand Trunk Western Railroad Co.
Hudson & Manhattan Railroad Co.
Indianapolis Union Railway Co.
Lake Terminal Railroad Co.
Lehigh & New England Railroad Co.
Lehigh Valley Railroad Co.
Long Island Railroad Co.
Maine Central Railroad Co.

Portland Terminal Commany.
Monongahela Connecting Railread Co.
Monongahela Railway Company.
Montour Railroad Co.
Newburgh & South Shore Railway Co.

New York Central System:
New York Central Railroad.
Federal Valley Railroad.

New York Central Railroad—Bullalo & East.

Busalo Stock Yards. Grand Central Terminal.

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amended August 5, 1953.

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10	Cleveland Union Terminals Company. Troy Union Railroad Company. New York, Chicago & St. Louis Railroad Co.
10	New York Dock Railway. New York, New Haven & Hartford Railread Co.
8 9	New York, Susquehanna & Western Rail- road Co.
g.	Northampton & Bath Railroad Co.
7	Pennsylvania Railroad Company Baltimore & Eastern Railroad Co. Pennsylvania-Reading Seashore Lines.
	Pittsburgh & West Virginia Railway Co. Pittsburgh, Chartiers & Youghlogheny Rail-
5	way Co. Railroad Perishable Inspection Agency. Reading Company
	Philadelphia Reading & Pottsville Tele-
5	graph Co. Beaver Creek Water Company.
	River Terminal Railway Company.
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	Union Depot Co. (Columbus, Ohio). Union Freight Railroad Co. (Boston).
	Union Inland Freight Station.
42	Union Railroad Co. (Pittsburgh, Pa.). Washington Terminal Company.
40	Youngstown & Northern Rallway Co.

WESTERN REGION

Alton & Southern Railroad. Atchison, Topeka & Santa Fe Railway: Gulf, Colorado & Santa Fe Railway. Panhandle & Santa Fe Railway.
Atchison Union Depot & Railroad Co.
Belt Railway Company of Chicago.
Chicago, Burlington & Quincy Railroad: Colorado & Southern Rallway Company. Fort Worth and Denver Railway Co. Camas Prairie Railroad Company. Chicago & Eastern Illinois Railroad Co. Chicago Heights Terminal Transfer Railroad Co.

Chicago & Illinois Midland Railway Co. Chicago & North Western Railway: Chicago, St. Paul, Minneapolis and Omaha

Railway Co. Chicago and Western Indiana Railroad Co. Chicago Great Western Railway Co. Chicago, Milwaukee, St. Paul & Pacific Rail-

Chicago, Terre Haute & Southeastern Rail-

way Co. Chicago, Rock Island & Pacific Railroad Co., Peoria Terminal Co.

Colorado & Wyoming Railroad. Davenport, Rock Island & North Western Railway. Denver & Rio Grande Western Railroad.

Denver Union Terminal Railway. Des Moines Union Railway.

Duluth, South Shore & Atlantic Railroad Co.

Duluth Union Depot & Transfer Co.

Duluth, Winnipeg & Pacific Railway.

East St. Lous Junction Railroad Co. Elgin, Joliet & Eastern Railway. El Paso Union Passenger Depot Co. Galveston, Houston & Henderson Railroad

Great Northern Railway Co. Green Bay & Western Railroad: Kewaunee, Green Bay & Western Railroad Co.

Houston Belt & Terminal Railway. Illinois Central Railroad Company.
Illinois Terminal Railroad Company. Joplin Union Depot Co.

John Union Lepot Co.

Kansas City Southern Railway*

Arkansas Western Railway.

Fort Smith & Van Buren Railway.

Louisiana & Arkansas Railway. Kansas City Terminal Railway. Lake Superior & Ishpeming Railroad Co. Lake Superior Terminal & Transfer Rail-

Litchfield & Madison Railway Co. Los Angeles Junction Railway Co. Manufacturers Railway Co. Midland Valley Railroad: Kansas, Oklahoma & Gulf Railway.

Oklahoma City-Ada-Atoka Railway. Minneapolis & St. Louis Railway Co. Minneapolis, St. Paul & Sault Ste. Marie Railroad Co.

WESTERN REGION—continued

Minnesota Transfer Railway Missouri-Kansas-Texas Railroad Co., Missouri-Kansas-Texas Railroad Co. of Texas.

Missouri-Illinois Railroad Co.

Missouri Pacific Railroad Co.. Missouri Pacific Lines in Texas & Louislana. Northern Pacific Terminal Co. of Oregon. Northern Pacific Railway Co..

Walla Walla Valley Railway Company.
Ogden Union Railway & Depot Co.
Oregon, California & Eastern Railway Co.
Pacific Coast Railroad Company. Peoria and Pekin Union Railway Co. Pueblo Union Depot and Railread Co. Railway Transfer Company of the City of Minneapolis.

St. Joseph Terminal Railroad Co.

St. Louis-San Francisco Railway Co.. St. Louis, San Francisco and Texas Rail-WAY Co.

St. Louis Southwestern Railway Co. St. Louis Southwestern Rallway Co. of

St. Paul Union Depot Co. Sioux City Terminal Railway. Southern Pacific Company Northwestern Pacific Railroad Co. San Diego & Arizona Eastern Railway Co.
Texas and New Orleans Railroad Co.
South Omaha Terminal Railway Company.
Spokane International Railroad Company.
Spokane, Portland & Scattle Railway:

Oregon Electric Railway. Oregon Trunk Railway. Terminal Railroad Accociation of St. Louis. Texas & Pacific Railway:

Abilene & Southern Railway. Denison & Pacific Suburban Railway. Fort Worth Belt Railway. Texas-New Mexico Railway.

Texas Short Line Railway. Weatherford Mineral Wells & Northwest-

ern Railway. Texas Mexican Railway Co. Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans.

Toledo, Peoria & Western Railroad. Union Pacific Railroad Co. Union Railway Company.
Union Terminal Company: St. Joseph Belt Railway Co. Wabash Railroad Company. Western Pacific Railroad Co.

Sacramento Northern Railway. Tidewater Southern Railway. Yakima Valley Transportation Company.

SOUTHEASTERN REGION

Atlantic Coast Line Railroad. Atlanta & West Point: Western Railway of Alabama. Atlanta Joint Terminals. Central of Georgia Railway.

SOUTHEASTERN PROJON-Continued

Charlecton & Western Carolina Railway. Checopooke & Ohio Railway. Clinchfield Railroad. Florida East Coast Railway. Georgia Baliroad: Augusta Union Station. Gulf. Mobile & Ohio Baliroad. Jacksonville Terminal Co.

Jaciscoville Terminal Co.

Kentucky & Indiana Terminal Railroad.
Louisville & Nachville Railroad.
Nachville, Chattanooga & St. Louis Railway.
Narfoli: & Fortemouth Belt Line,
Narfoli: & Western Railway.
Richmond, Fredericksburg & Potomac Railroad.

road: Richmond Terminal Railway Co.

Potemac Yard. Scabbard Air Line Rallway Co. Southern Railway:

Alabama Great Southern Railway Co. Cincinnati, New Orleans & Texas Pacific Rallway

Georgia Southern & Florida Railway Harriman & Northeastern Railroad Co. New Orleans & Northeastern Railroad. New Orleans Terminal Co. St. Johns Fiver Terminal Co. Tennessee Central Reliway Company.

Virginian Raliway Company.

 International Accordation of Machinists.
 International Brotherhood of Bollermakcro, Iron Ship Builders and Helpers of America.

International Brotherhood of Black-emiths, Drop Forgers and Helbers.
 Sheet Metal Workers' International Asso-

ciation.

5. International Brotherhood of Electrical Workers.

6. Brotherhood Raliway Carmen of America. 7. International Brotherhood of Firemen, Ollers, Helpers, Roundhouse and Rallway Shop Laborers.

8. Brotherhood of Railway and Steamphio Clerks, Freight Handlers, Express and Station Employes.
9. Brotherhood of Maintenance of Way Em-

ployes.

10. The Order of Railroad Telegraphers. 11. Brotherhood of Railroad Signalmen of America.

12. National Organization Masters, Mates and Plioto of America.

13. National Marine Engineers' Beneficial Ascoclation.

14. International Longohoremen's Ascocia-

15. Hotel and Restaurant Employees and Bartenders International Union.

[F. R. Dec. 53-16906; Filed, Dec. 39, 1953; 12:16 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the Feb-ERAL REGISTER, §§ 6.103 (h) (2) 6.137 (d) and 6.144 (d) are amended as set out below:

§ 6.103 Treasury Department. * * * (h) Comptroller of the Currency.

(2) Until March 31, 1954, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institu-

§ 6.137 Civil Aeronautics Board. * * * (d) Until March 31, 1954, the position of Secretary of the Board.

§ 6.144 Selective Service System. * * * (d) Until July 1, 1955, the following

positions in the National Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists: One Executive Secretary professional advisors in the field of medicine, dentistry, veterinary medicine, and related fields.

(R. S. 1763, cec. 2, 22 Stat. 493; 5 U. S. C. 631, 633. E. O. 10449, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERV-ICE COMMISSION,

[SEAL] WII. C. HULL. Executive Assistant.

[P. R. Doc. 53-16303; Filed, Dec. 31, 1953; 8:53 a. m.]

72376

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the Fer-ERAL REGISTER, § 6.107 (b) (1) is amended to read as follows:

§ 6.107 Department of the Air Force. * * *

(b) Office of the Inspector General. (1) Until June 30, 1954, in order to provide civilian personnel complementary to military personnel, five Special Agent positions in the Office of Special Investigations, Office of the Inspector General, Headquarters, and 100 Special Agent positions in the District Offices of the Office of Special Investigations, United States Air Force, in grades GS-11 or higher.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633, E. O. 10440, March 31, 1953, 18 F. R. 1823)

United States Civil Serv-ICE COMMISSION, [SEAL] WM. C. HULL, Executive Assistant.

[F. R. Doc. 53-10909; Filed, Dec. 31, 1953; 8:53 a. m.]

TITLE 7-AGRICULTURE

Chapter VII-Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 2]

PART 722--COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF UPLAND COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. The purposes of this amendment are (1) to revise the county acreage allotments for Ashley and Cross Counties, Arkansas; (2) to establish a county acreage allotment for St. Charles Parish, Louisiana; and (3) to set forth data for the administrative areas which have been established pursuant to section 344 (g) (2) of the Agricultural Adjustment Act of 1938, as amended, and § 722.516 (f) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties, and Farms (18 F R. 7531) Notice of the proposed establishment of county acreage allotments and administrative areas was given on October 21, 1953 (18 F R. 6661) Notice that data pertaining to the establishment of administrative areas are available for inspection at the office of the county committee was given on December 5, 1953 (18 F. R. 7837)

Section 722.516 (f) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties, and Farms, as amended (18 F. R. 7837) is hereby further amended (1) by revising the county acreage allotments for Ashley and Cross Counties, Arkansas, to equal the sum of the allotments established for the administrative areas in the county, and

making corresponding adjustments in the State total of county acreage allotments and the total of the State acreage reserves for small farms and new farms; (2) by adding a county acreage allotment for St. Charles Parish, Louisi-

allotment for St. Charles Parish, Louisi- ana, and making corresponding adjust-			
ana, and making corresponding adjust- ments in the State total of county acre-			
age allotments and the total of	the State	1	
acreage reserves for small farms		£	
farms; and (3) by deleting cour			
age allotments for the counties l		Fu	
low and establishing in lieu		. A	
acreage allotments for admir	ustrative	4	
areas as follows:			
Alabama County	Acreage	Ac	
	llotments	4	
Administrative Area I	3, 178	~-	
Administrative Area II	6, 305	Ca	
Arkansas		- 7	
Arkansas:	2,026	Ca	
Administrative Area I	8,080	1	
Ashley.		Ca	
Administrative Area I	2, 297	- 4	
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Administrative Area I	4,825	De	
Administrative Area II	35, 347	1	
Conway.	F 040	La	
Administrative Area II	5,342 5,057	4	
Craighead:	0,001	Na	
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Administrative Area I	753	St	
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Lincoln:			
Administrative Area II	33,003. 2,519		
Lonoke:	2,010	Pa	
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	Fulton:	020
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	. Administrative Area II	0, 193 33, 083
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•	lotments	500,030
	State acreage reserve for small farms and new farms	44, 870
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Missouri-Continued Acreage County allotments Scott: Administrative Area L 2, 173 Administrative Area II_____ Administrative Area III 1,707 Administrative Area IV.____ 11,516 Stoddard: Administrative Area I_____Administrative Area II_____ 3,685 35.445 NEW MEXICO Lama: Administrative Area I_____ 10, 164 Administrative Area II_____ 866 Otero: 791 Administrative Area I_____ Administrative Area II_____ 228 NORTH CAROLINA Robsson: 19, 243 Administrative Area I_. 24, 540 Administrative Area II_____ OKTAHOMA Nowata: Administrative Area I.... 626 Administrative Area II 26 TENNESSEE Giles: Administrative Area I 1,523 Administrative Area II_____ 7.42 Hardin: 3, 76 Administrative Area I_____ Administrative Area II_____ Lincoln: 740 Administrative Area I. Administrative Area II_____ 1.75 9,41 Administrative Area III TEXAS Bastrop: 4,79 Administrative Area I_ Administrative Area II_____ 7.87 16, 12 Administrative Area I__ Administrative Area II_____ 4, 11 Briscoe: Administrative Area I. 10,90 Administrative Area II_____ 12, 25 Burleson: Administrative Area I_____ 11.51 Administrative Area II_____ 16.39 Colorado: 7, 22 Administrative Area I_____ 1,72 Administrative Area II__ Administrative Area III_____ Favette: Administrative Area I 8,33 Administrative Area II..... 17, 55 Administrative Area III_____ 2,04 Hávs: Administrative Area I 8, 37 Administrative Area II_____ Henderson: 4, 548 Administrative Area I_____ Administrative Area II_____ 5,004

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Johnson:

Rains:

Robertson:

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Administrative Area II_____

Administrative Area II_____

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s 7 3 7 5	County Acreage allotments Van Zandt: 11,624 Administrative Area II 13,637 Wilson: Administrative Area II 6,244 Administrative Area II 370
5	(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 344, 52 Stat. 57, as amended; 7 U. S. C. 1344)
4 6 1 6	Issued at Washington, D. C., this 29th day of December 1953. Witness my hand and the seal of the Department of Agriculture. [SEAL] TRUE D. Monse,
3	Acting Secretary of Agriculture. [F. R. Doc. 53-10859; Filed, Dec. 31; 1953;
0	8:49 a. m.]
6	Part 730—Rice
	PROCLAMATIONS AND DETERMINATIONS WITH
3 4	RESPECT TO MARKETING QUOTAS AND ACREAGE ALLOTMENTS ON 1954 CROP Sec.
4 3	730.501 Basis and purpose. 730.502 Marketing quotas on 1954 crop of rice.
0	730.503 1954 acreage allotments for rice.
9.4	AUTHORITY: \$5 730.501 to 730.503 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 352, 354, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1352, 1354, 1371.
0	§ 730.501 Basis and purpose. (a)
4 9	Section 730.502 is issued under sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to pro-
8	claim the total supply and normal supply of rice for the marketing year beginning August 1, 1953, and to proclaim that marketing quotas will not be applicable
9	marketing quotas will not be applicable to the 1954 crop of rice. Section 730.503 is issued under section 371 (b) of the
8 8 8 8	Agricultural Adjustment Act of 1930, as amended, to announce that no national, State, county, or farm acreage allot-
7 51 15	ments will be determined for 1954. Section 352 of the act requires the Secre-
23	tary of Agriculture each year to ascertain and proclaim the national acreage allot- ment of rice.
	(b) Section 371 (b) of the act author-

izes the Secretary to dispense with the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand

for the commodity.

26,972

4,442

12,881

12, 128

9,363

3,731

590

2,019

7,297

1,722

3,840

4, 264

19,920

6, 159 4.667

(c) The findings and determinations made in § 730.502, which are based on the latest available statistics of the Federal Government, show that marketing quotas for the 1954 crop of rice are not required. Accordingly § 730,502 states that marketing quotas will not be in effect for that crop.

(d) Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1954 crop of rice. That investigation discloses that there is a materially increased export demand for rice. On the basis of such

investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet a material increase in export demand for rice, to dispense with national, State, county, and farm acreage allotments for the 1954 crop of rice. That action is made effective by the 15suance of § 730.503.

(e) Prior to taking the action herein, public notice was given (18 F. R. 8121) in accordance with the Administrative Procedure Act (5 U.S. C. 1003) that the Secretary was preparing to determine whether marketing quotas and acreage allotments are required for the 1954 crop of rice. All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1933, as amended.

§ 730.502 Marketing quotas on 1954 crop of rice. The total supply of rice for the marketing year beginning August 1, 1953, is determined to be 54,556 thousand 160-lb. bags. The normal supply of rice for such marketing year is determined to be 56,918 thousand 100-lb. bags. Since the total supply of rice for the 1953-54 marketing year is smaller than the normal supply therefor, marketing quotas shall not be in effect on the 1954 crop of rice.

§ 730.503 1954 acreage allotments for rice. No national, State, county, or farm. acreage allotments of rice will be determined for 1954.

Issued at Washington, D. C., this 29th day of December 1953.

EZRA TAFT BENSON, Secretary of Agriculture.

[P. R. Dec. 53-10303; Filed, Dec. 31, 1953; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 12]

PART 914-NAVEL ORANGES GROWN IN API-ZONA AND DESIGNATED PART OF CALI-FORMIA

LIMITATION OF HANDLING

§ 914,312 Navel Orange Regulation 12-(a) Findings. (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as heremafter set forth. The Navel Orange Administrative Committee held an open meeting on December 29, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, in-cluding its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto

the effective date of this section.
(b) Order (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 3, 1954, and ending at 12:01 a. m., P. s. t., January 10, 1954, is hereby fixed as follows:

which cannot be completed on or before

(i) District 1. 900 carloads;

(ii) District 3: 73,023 boxes; (iii) District 3: Unlimited movement; (iv) District 4. Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base,"
"District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C.

Done at Washington, D. C., this 30th day of December 1953.

L] S. R. SMITH, Director Fruit and Vegetable [SEAL] Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 3 to 12:01 a. m., P. s. t., Jan. 10, 1954]

NAVEL ORANGES

NAVEL ORANGES	
PROBATE DISTRICT NO. 1	
p	rorate base
Handler	(norcent)
Total	
A. F. G. Lindsay	_ 1.4725
A. F. G. Porterville	_ 2.3398
Ivanhoe Cooperative Association_	6603 7
Anderson Packing Co	
Euclid Avenue Orange Association Lindsay Mutual Groves	
Martin Ranch	1.3735
Martin RanchOrange Growers	2.7284
Woodlake Packing House	1.7626
Woodlake Packing House Dofflemyer & Son, W. Todd	4872
Earlibest Orange Association	1.6830 -
Elderwood Citrus Association	7549 .
Exeter Citrus Association	3.5007 .
Exeter Orange Growers Association	1.7038
Exeter Orchards Association Hillside Packing Association Ivanhoe Mutual Orange Associa	1.5000 . 1.3223
Tranhae Mutual Orange Associa	1. <i>044</i> 0 ·
tion	1.2746
Klink Citrus Association	3.8971
Lemon Cove Citrus Association	
Lindsay Citrus Growers Associa	!-
tionLindsay Cooperative Association.	_ 2. 2435
Lindsay Cooperative Association.	1.3448
Lindsay Fruit Association	2.2377
Lindsay Orange Growers Associa	
Naranjo Packing House	
Orange Cove Citrus Association	4.0104
Orange Packing Co	1.0731
Orosi Foothill Citrus Association.	1.4642
Paloma Citrus Fruit Association.	7631
Rocky Hill Citrus Association	 1 . 6938
Sanger Citrus Association	
Sequoia Citrus Association	.9168
Stark Packing Co	2.8639
Visalia Citrus Association	- 2.2371
Waddell & Son	2.4667 1.8646
Baird Neece Corp	4694
Grand View Heights Citrus Asso	1001]-
ciation	3.0391
Magnolia Citrus Association	2.7074
Porterville Citrus Association, Th	e. 1.6066
Randolph Marketing Co Richgrove-Jasmine Citrus Associ	1.8580
Richgrove-Jasmine Citrus Associ	8-
tionStrathmore Cooperative Citrus A	1.2958
sociation	s- 9483
Strathmore Distributors Orange A	La egroci
sociation	1.6392
Strathmore Packing House Co	2.1009
Sunflower Citrus Growers	2.8257
Sunland Packing House Co	2. 7250
Terra Bella Citrus Association	
Tule River Citrus Association	8677
Baker Ranch Packing House	4309
Batkins, Jr., Fred A.————————————————————————————————————	0561 d_ 3.1777
Darby, Fred J.	0233
Darby, Fred J. Dubendorf, John.	1757
Evans Bros	2160
Far West Produce Distributors	0601
Foothill Packing Co	
Friesen, Lawrence	0077
Haas & FerryHarding & Leggett	.1876
Independent Growers, Inc.	1.9261 1.2406
Lo Bue Bros	6957
Maas, W. A	1146
Marks, W. & M	4811
Morin, Carl W	0201
Nickel, Edward	0034
Orange Belt Fruit Distributors In	
Paramount Citrus Association, In	c. 2.1924
Reimers, Don H	.5279
Riverside Fruit Co	2646
Sequoia Cider Mili	
Stephens & Cain	.2389
Zaninovich Bros., Inc	1.7595

PRORATE BASE SCHEDULE-Continued NAVEL ORANGES-continued PROPATE DISTRICT NO. 2

Prorate base

	rate base
	ercent)
Total	100,000
A. F. G. Corona	. 5514
A. F. G. Fullerton	0200
A. F. G. Orange	.0171
A. F. G. Riverside	1,3998
A. F. G. Santa Paula	0400
Eadington Fruit CoSignal Fruit Association	7112
Signal Fruit Association	1, 1870
Anaheim Cooperative Orange Asso-	0000
ciation	0000
clation	4760
Chula Vista Mutual Lemon Asso-	
cistion	. 1038
Daniels, Inc., WardEuclid Avenue Orange Association	3255
Euclid Avenue Orange Association	2, 9460
Foothill Citrus Union, Inc.	.3707
Garden Grove Citrus Association Index Mutual Association	0103 0104
La Verne Cooperative Citrus Asso-	0202
ciation	2,7901
ciationOlive Hillside Groves, Inc	0079
Redlands Foothill Groves	2,7730
Redlands Mutual Orange Associa-	
tion	1.0367
Azusa Citrus Association	.8147
Covina Citrus Association	1, 8190 1, 5979
Valencia Heights Orchard Associ-	1.0010
ation.	. 2134
Gold Buckle Association	4. 5103
La Verne Orange Association	4, 5920
Anaheim Valencia Orange Associa-	
tion Fullerton Mutual Orange Associa-	0117
Fullerton Mutual Orange Associa-	0640
tion Angeletien	
La Habra Citrus Association Yorba Linda Citrus Association	
El Cajon Valley Citrus Associa-	0101
tion	1530
Escondido Orange Association	. 6136
Citrus Fruit Growers	.5003
Cucamonga Mesa GrowersEtiwanda Citrus Fruit Association	. 8544
Etiwanda Citrus Fruit Associa-	4010
Upland Citrus Association	. 1310 . 3,2280
Consolidated Orange Growers	0205
Garden Grove Citrus Association.	. 0199
Goldenwest Citrus Association	. 1708
Olive Heights Citrus Association	0583
Santiago Orange Growers Associa-	
tion	1051
VINE PER OFCHEROS ASSOCIATION	. 0368 . 1972
Bradford Bros., Inc	. 1014
tion	. 1608
Placentia Orange Growers Associa-	•
tion	2305
Yorba Orange Growers Association.	. 0174
Corona Citrus Association	. 1.1303 5707
Orange Heights Orange Association.	3.0368
Crafton Orange Growers Associa-	• • • • • • • • • • • • • • • • • • • •
tion	. 1.8200
East Highlands Citrus Association.	6232
Redlands Heights Groves	0183
Redlands Orangedale Association Rialto Fontana Citrus Association	. 1, 1301 2031
Bryn Mawr Fruit Growers Associa-	2031
tion	
Mission Citrus Association	
Redlands Cooperative Fruit Associ-	
ation	_ 2.1700
Redlands Orange Growers Associa-	1 2104
tionRedlands Select Groves	. 1. 5160 . 5179
Rialto Orange Co	
Southern Citrus Growers	1. 1920
United Citrus Growers	_ 9993
Arlington Heights Citrus Co	1,7230
Blue Banner, Inc.	3,4750
Blue Banner, Inc	_
Gaynan Civius 2850CintiUllananaa	- 417710

Propage Base Schedule—Continued NAVEL ORANGES—continued PROPAGE DISTRICT NO. 2—continued

	Prorate base
Handler	(percent)
McDermont Fruit Co Monte Vista Citrus Association_	1,7938
Monte Vista Citrus Association	1,7940
National Orange Co	1.5704
National Orange Co Riverside Highgrove Citrus Associ	ia-
tion	1.9049
Victoria Avenue Citrus Associatio	n. 3.2977
Claremont Citrus Association	
College Heights Orange & Lem	
Association	2.0881
Indian Hill Citrus Association	
Pomona Fruit Growers Exchange	
Walnut Fruit Growers	6124
West Ontario Citrus Association.	8166
Escondido Cooperative Citrus Ass	
ciation	1036
Camarillo Citrus Association	0041
Fillmore Citrus Association	1.0472
Mupu Citrus Association	0047
Ojai Orange Association	1.0044
Piru Citrus Association	
Rancho SespeSan Fernando Fruit Growers Ass	
ciation	4408
Santa Paula Orange Association	
Ventura County Citrus Associ	.a
tion	0402
East Whittier Citrus Association	.0040
North Whittler Heights Placentia Cooperative Orange Ass	1285
Placentia Cooperative Orange Ass	:O-
ciation	2637
clationSierra Madre-Lamanda Citrus A	LS-
sociation	
A. J. Packing Co	
Babijuice Corp. of California	0429
Cherokee Citrus Co., Inc.	1.1261
Dimping Hora Hyporit	1757
Dunning, Vera Hueck Evans Bros. Packing Co	LIUI
Evans Bros. Packing Co	1.3989
Far West Produce Distributors	
Gold Banner Association	
Gold Seal Producers, Inc	
Granada Packing House	1311
Holland, M. J.	0211
Orange Belt Fruit Distributors.	7568
Panno Fruit Co., Carlo	0527
Paramount Citrus Association	1063
Placentia Orchards Association	
Riverside Fruit Co	
San Antonio Orchard Co	1. 1645
Spire, Frank S	
Wall, E. T	2. 1137
Western Fruit Growers, Inc	2.1137
western fruit Growers, Inc	5. 1367
[F. R. Doc. 53-10904; Filed, De	c. 31, 1953;

8:53 a. m.]

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 930.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of

marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Toledo, Ohio, on July 30 and 31, 1953, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the

declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is hereby found and determined that good cause exists for making effective not later than January 1, 1954, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Toledo, Ohio, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held July 30 and 31, 1953, and the decision having been executed by the Secretary on December 24, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the Federal Register. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237)

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Tolcdo, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agree-

ment regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act:

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the

ducers of milk which is produced for cale in the said marketing area; and
(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative paried (October 1953) were en-

act, of advancing the interests of pro-

gazed in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete paragraphs (a) and (b) of § 930.41 and substitute therefor the fol-

lowing:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk or buttermik (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, any cream product in fluid form which contains less than the minimum butterfat required for fluid cream, or eggnog; (2) used to produce concentrated milk disposed of for fluid consumption; and (3) not accounted for as Class II milk.

- 2. Redesignate paragraph "(e)" of § 930.41 as paragraph "(b)" delete the phrase "Class III milk shall be" and substitute therefor the phrase "Class II milk shall be."
 - 3. Amend § 930.42 to read as follows:

§ 930.42 Interhandler and nonhandler transfers. (a) Skim milk and butterfat disposed of by a handler to another handler as any item listed in paragraph (a)? (a) § 950.41 shall be Class I milk unless Class II utilization is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: Provided, That in no event shall the amount so classified as Class II be greater than the amount used in such class by the receiving handler.

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by a handler to a nonhandler's plant located less than 100 miles from the kity Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, unless (1) utilization in Class II is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the month within which such transfer was made, and (2) the non-

handler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

4. In § 930.44 delete the phrase "Class I milk, Class II milk, and Class III milk" and substitute therefor the phrase "Class I milk and Class II milk."

5. In § 930.45 delete from paragraphs (a) and (d) the phrase "Class III milk" and substitute therefor the phrase "Class II milk" and in paragraph (a) change the reference to "§ 930.41 (c) (2)" to read "§ 930.41 (b) (2)"

6. Amend the tabulation in § 930.50

(a) (1) to read as follows:

 Delivery period:
 Amount

 April, May, and June
 \$0.75

 February, March, and July
 1.00

 All others
 1.40

- 7. In subdivision (i) of § 930.50 (a) (2) delete the phrase, "Class I and Class II milk," and substitute therefor the phrase, "Class I milk,"
- 8. Delete paragraphs (b) and (c) of § 930.50 and substitute therefor the following:
- (b) Class II milk price. The Class II milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk for 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below.

Company and Location

Pet Milk Co., Delta, Ohio. Defiance Milk Products Co., Defiance, Ohio. Pet Milk Co., Hudson, Mich.

- 9. Amend $\S 930.51$ (b) to read as follows:
- (b) The price per hundredweight computed as follows:
- (1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department of Agriculture during the month;
- (2) Add 0.902 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month; and
 - (3) Subtract 34.3 cents.
- 10. In § 930.52 (a) delete the figure "1.3" and substitute therefor "1.25."
- 11. Delete paragraphs (b) and (c) of \$ 930.52 and substitute therefor the following:

- (b) Class II milk. Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10.
 - 12. Amend § 930.71 to read as follows:
- § 930.71 Partial payments. On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows:
- (a) Deduct 75 cents from the uniform price for such handler for the preceding month.
- (b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.
- (c) Round off the result to the nearest multiple of 10 cents.

Provided, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70.

13. In § 930.73 delete the phrase "or Class II milk."

14. Amend § 930.75 to read as follows:

§ 930.75 Cooperative association. (a) Each association of producers which is actually performing the services described in § 930.74, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an undetermined membership contract with each producer authorizing the claimed deduction.

(b) In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Filed at Washington, D. C., this 30th day of December 1953.

[SEAL] JOHN H. DAVIS, Assistant Secretary.

[F. R. Doc. 53-10907; Filed, Dec. 31, 1953; 8:53 a. m.]

[Grapefruit Reg. 191]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.655 Grapefruit Regulation 191—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective m order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 4, 1954. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continuo until January 4, 1954, the recommendation and supporting information for continued regulation subsequent to January 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not roquire any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) Order (1) During the period beginning at 12:01 a.m., e. s. t., January 4, 1954, and ending at 12:01 a.m., e. s. t., January 18, 1954, no handler shall ship:

(i) Any white seeded grapefrult, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet:

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2:

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet; (iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box:

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bright or U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.-750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] S. R. SMITH,

Director Fruit and Vegetable

Branch, Production and

Marketing Administration.

[F. R. Doc. 53-10892; Filed, Dec. 31, 1953; 8:50 a. m.]

[Orange Reg. 247]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.656 Orange Regulation 247—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the rec-

ommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 4, 1954. Shipments of all oranges except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 4, 1954; the recommendation and supporting information for continued resulation subsequent to January 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section. including the effective time of this section, are identical with the aforecald recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) Order (1) During the period heginning at 12:01 a.m., e. s. t., January 4, 1954, and ending at 12:01 a.m. e. s. t., January 18, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 21% in mehes in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted.

which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§§ 51.1149 to 51.1125 of this title) Provided, That in determining the percentage of oranges in any lot which are smaller than 21% inches in diameter, such percent shall be based only on those oranges in such lot which are of a size 21% inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1166 of this title)

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 733, as amended; 7 U.S. C. 6920)

Done at Washington, D. C., this 29th-day of December 1953.

[SILL] S. R. SLUTH,
Director Fruit and Vegetable
Branch, Production and Marlicting Administration.

[F. R. Doc. 53-10334; Filed, Dec. 31, 1953; 8:51 a.m.]

[Tangerine Reg. 143]

Part 933—Oranges, Graphfruit, and Tangenines Grown in Florida

LIMITATION OF SHIPMINITS

5 933.657 Tangerme Regulation 143-(a) Findings. (1) Fursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thercof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such

effective time; and good cause exists for making the provisions of this section effective not later than January 4, 1954. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until January 4, 1954; the recommendation and supporting information for continued regulation subsequent to January 3, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) Order (1) During the period beginning at 12:01 a.m., e. s. t., January 4, 1954, and ending at 12:01 a.m., e. s. t., January 11, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangermes, grown in the State of Florida, that are of a size smaller than 2½ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title)

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of December 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 53-10891; Filed, Dec. 31, 1953; 8:50 a.m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATE OF ASSESSMENT FOR 1953-1954 FIS-

On December 9, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F R. 8102) regardmg the expenses and the fixing of the rate of assessment for the 1953-1954 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F R. 6767) regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.208 Expenses and rate of assessment for the 1953-1954 fiscal year The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1954, will amount to \$119,364.00; and the rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be one and onehalf cents (\$0.015) per packed box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the Federal Register (60 Stat. 237. 5 U.S.C. 1001 et seq.) in that (1) the rate of assessment is applicable to all lemons shipped during the 1953-54 season; (2) shipments of lemons in volume have been made since the start of the fiscal year on November 1, 1953; (3) the provisions hereof do not impose any obligation on a handler until such handler ships lemons; and (4) it is essential that the specifications of the assessment rate be issued immediately so that the aforesaid assessment may be collected and thereby enable the Lemon Administrative Committee to perform its duties and functions in accordance with the said amended marketing agreement and order.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Done at Washington, D. C., this 20th day of December 1953.

[SEAL] JOHN H. DAVIS, Assistant Secretary of Agriculture.

[F. R. Doc. 53-10893; Filed, Dec. 31, 1953 8:51 a. m.]

[Lemon Reg. 518]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.625 Lemon Regulation 518-(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arlzona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of tho Lemon Administrative Committee on December 28, 1953 such meeting was held, after giving due notice thereof to consider recommendations for regulation. and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section. including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in

order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.
(b) Order (1) The quantity of lem-

ons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 3, 1954, and ending at 12:01 a. m., P. s. t., January 10, 1954, is hereby fixed as follows:

(i) District 1. 45 carloads; (ii) District 2: 215 carloads; (iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 517 (18 F. R. 8719) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base,"
"District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

day of December 1953.

S. R. SLITH, Director Fruit and Vegetaole Branch, Production and Marketing Administration.

[F. R. Doc. 53-10895; Filed, Dec. 31, 1933; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B-Carriers by Motor Vehicle PART 205-REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th

day of December A. D. 1953. The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration, and the changes in existing regulations to be effectuated by this order being only minor changes with respect to the data to be furnished, public rule-making procedures are unnecessary.

It is ordered, That the order of October 11, 1945, in the matter of Annual

Done at Washington, D. C., this 29th Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Paccengers be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

> § 205.1 Form prescribed for annual reports. Each Class I Common and Contract Motor Carrier of Property and each Class I Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A* (Class I Motor Carners of Property and Passengers) which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Accounts, Cost Finding and Valuation, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(49 Stat. 503, as amended; 49 U.S. C. 320) Nove: Budget Bureau No. 60-RO52.10.

By the Commission, Division 1.

ISEAL GEORGE W. LAND, Secretary.

[F. R. Dec. 53-10326; Filed, Dec. 31, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

Production and Marketing Administration

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GREEN CORN 1

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Green Corn under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act. 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede the existing United States Standards for Green Corn (15 F R. 4242, as recodified m 18 F. R. 7100), effective August 3,

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building,

DEPARTMENT OF AGRICULTURE Washington 25, D. C., not later than 5:30 p.m., e.s. t., on the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.	
51.835	U. S. Fancy.
51:E36	U. S. No. 1.
51.837	U. S. No. 2.

UNCLASSIFIED

51.838 Unclassified.

TOLERANCES

51.839 Tolerances.

COUNT

51.840 Requirements as to count.

APPLICATION OF TOLERANCES

51.841 Application of tolerances.

DEPTHILITORS

51.842 Similar varietal characteristics. 51.843 Well trimmed.

51.844 Well delevoped. Insect injury. 51.845

51.846 Injury.

Well filled. 51.847

Plump and milky. 51.848 51.849 Well covered.

51.830 Fresh.

51.851 Damage.

Fairly well filled. Fairly well covered. 51.852 51.853

Properly clipped. 51.854

Fairly well trimmed. 51.855

Fairly well developed. 51.856

Serious damage. 51.857

51.858 Poorly filled.

GRADES

§ 51.835 U. S. Fancy. U. S. Fancy consists of ears of green corn of similar varietal characteristics which are well trimmed, well developed, and which are free from smut, decay, worms, or insect injury, and free from injury caused by rust, discoloration, birds, other disease or mechanical or other means. Cobs chall be well filled with plump and milky kernels and well covered with fresh husis. The length of each cob shall be not less than 6 inches and the ears shall not be clipped. (See § 51.839.)

551.836 U.S. No. 1. U.S. No. 1 consists of ears of green corn of similar varietal characteristics which are well trimmed, well developed, and which are free from smut and decay and free from injury caused by rust and free from damage caused by discoloration, birds, worms, other insects, other disease or mechanical or other means. Cobs shall be fairly well filled with plump and milky kernels and fairly well covered with fresh husks. Each ear may be clipped but each clipped ear shall be properly clipped. Unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 5 inches. (See

§ 51.837 U.S. No. 2. U.S. No. 2 consists of ears of green corn of similar varietal characteristics which are fairly well trimmed, fairly well developed and

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

^{*}Filed as part of the original document.

which are free from smut and decay and free from serious damage caused by birds, worms, other insects, other disease or mechanical or other means. Cobs shall not be poorly filled and kernels shall be plump and milky and fairly well covered with fresh husks. Each ear may be clipped but each clipped ear shall be properly clipped. Unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 4 inches. (See § 51.839.)

UNCLASSIFIED

§ 51.838 Unclassified. Unclassified consists of ears of green corn which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.839 Tolerances. (a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) For defects. 10 percent, by count, in any lot for ears of corn which fail to meet the requirements of the grade, including therein not more than 2 percent for decay and.

(2) For off-size. 5 percent, by count, in any lot for ears of corn which fail to meet the requirements as to length of cob.

COUNT

§ 51.840 Requirements as to count. The number of ears of corn in any package may be specified by count or in terms of dozens or half dozens. Variation from the number specified shall be permitted as follows: Provided, That the average for the lot is not more than one ear less nor more than two ears greater than the number specified:

Specified number Variation permitted in individual packages 60 ears or less_____ 3 ears under count, 5 ears over count.

More than 60 ears__ 4 ears under count, 6 ears over count.

APPLICATION OF TOLERANCES

- § 51.841 Application of tolerances.
 (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified:
- (1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,
- (2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.842 Similar varietal characteristics. "Similar varietal characteristics" means that the ears in any package have similar kernel color and character of

growth. Ears of field corn and sweet corn, or white and yellow corn, shall not be mixed in the package.

- § 51.843 Well trimmed "Well trimmed" means that the ears are practically free from loose husks and that the shank shall be not more than 6 inches in length and not extend more than one inch beyond the point of attachment of the outside husk.
- § 51.844 Well developed. "Well developed" means that the ears are fairly straight and are not stunted. Nubbins are not well developed ears.
- § 51.845 Insect injury. "Insect injury" means that insect frass is present, or there is visible evidence of insect injury.
- § 51.846 Injury. "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the ear. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as milliry.
- (a) Rust when the aggregate area on the husk exceeds one square inch, or when the rust extends deeper than 2 layers of husks;
- (b) Discoloration caused by frost or spray burn, or similar types of discoloration when affecting an aggregate area of more than 3 square inches on the husk, or when exceeding an aggregate area of 25 percent of the surface of all blades attached to the husk; and,
- (c) Mechanical injury when more than 4 kernels are crushed or broken.
- § 51.847 Well filled. "Well filled" means that the edible quality or appearance is not affected to a greater extent than that of an ear 6 inches in length which has one inch at the tip end with undeveloped kernels or open spaces.
- § 51.848 Plump and milky. "Plump and milky" means that the kernels are well developed and the contents have a milky or creamy consistency.
- § 51.849 Well covered. "Well covered" means that the husk enclosing the ear is tight and undisturbed, except that a slight opening may have been made at the tip: Provided, That the disturbed part has been properly replaced so that the appearance of the ear is not more than slightly affected.
- § 51.850 Fresh. "Fresh" means that the husks have fairly good green color and are not badly wilted.
- § 51.851 Damage. "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the ear. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:
- (a) Discoloration caused by frost or spray burn or similar types of discoloration when affecting an aggregate area of more than 5 square inches on the husk, or when exceeding an aggregate area of 50 percent of the surface of all blades attached to the husk:

- (b) Worm injury on unclipped ears when extending more than 1½ inches from the tip on an ear 6 inches in length (proportionately greater or lesser amounts permitted on longer or shorter ears, respectively) or when affecting the kernals on other parts of the ear, or any worm injury on clipped ears; and,
- (c) Mechanical damage when more than 8 kernals are crushed or broken.
- § 51.852 Fairly well filled. "Fairly well filled" means, on unclipped ears, that the edible quality or appearance is not affected to a greater extent than that of an ear 6 inches in length which has 1½ mehes at the tip end and an aggregate area one inch square on other portions of the ear with undeveloped kernals or open spaces; and means, on clipped ears, that the edible quality or appearance is not affected to a greater extent than that of an ear 6 inches in length which has an aggregate area one inch square with undeveloped kernals or open spaces.
- § 51.853 Fairly well covered. "Fairly well covered" means that the husk enclosing the ear is fairly tight and undisturbed except that an opening may have been made at the tip: Provided, That the disturbed part has been properly replaced so that the appearance of the ear is not materially affected.
- § 51.854 Properly clipped. "Properly clipped" means that either the end of the cob, or the end of the cob and husk have been neatly removed approximately at a right angle to the longitudinal axis.
- § 51.855 Fairly well trimmed "Fairly well trimmed" means that the appearance of the individual ear of corn is not seriously affected by loose husks and that the shank shall not be more than 6 inches in length and not extend more than 2 inches beyond the point of attachment of the outside husk.
- § 51.856 Fairly well developed "Fairly well developed" means that the ears are not stunted to the extent that the appearance is seriously affected.
- § 51.857 Serious damage. "Serious damage" means any defect which soriously affects the appearance, or the edible or shipping quality of the ear. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:
- (a) Worm injury on unclipped ears when extending more than 2 inches from the tip on an ear 6 inches in length (proportionately greater or lesser amounts permitted on longer or shorter ears, respectively) or when affecting more than 4 kernels on other parts of the cob, or any worm injury on clipped ears extending more than one-fourth inch from the tip.
- § 51.858 Poorly filled. "Poorly filled" means, on unclipped ears, that the edible quality or appearance is affected to a greater extent than that of an ear 6 inches in length which has one-third of the cob at the tip end and an aggregate area 1½ mches square on other portions of the ear with undeveloped kernels or open spaces; and means, on clipped ears,

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that the edible quality or appearance is affected to a greater extent than that of an ear 6 inches in length which has one inch at the tip end and an aggregate area 1½ inches square on other portions of the ear with undeveloped kernels or open spaces.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] ROY W. LEWNARTSON,
Assistant Administrator Production and Marketing Administration,

[F. R. Doc. 53-10896; Filed, Dec. 31, 1953; 8:51 a. m.]

17 CFR Part 521

United States Standards for Grades of Canned Peas 1

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of United States Standards for Grades of Canned Peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) This revision, if made effective, will be the sixth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revised standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the Federal Register.

The proposed revision is as follows:

IDENTITY, TYPES, AND GRADES

52.2281 Identity.

Sec.

52.2282 Types of canned peas.

52.2283 Grades of canned peas.

FILL OF CONTAINER AND SIZES

52,2284 Fill of container.

52.2285 Sizes of peas.

FACTORS OF QUALITY

52.2286 Ascertaining the grade. 52.2287 Ascertaining the rating of each

factor. 52.2288 Liquor.

52.2289 Color.

52.2290 Defects.

52,2291 Maturity and tenderness.

METHODS OF ANALYSES

52.2292 Methods of analyses.

LOT CERTIFICATION TOLERANCES

52.2293 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2294 Score sheet for cannod peas.

IDENTITY, TYPES, AND GRADES

§ 52.2281 Identity. (a) "Canned peas" means the canned product prepared from clean, sound, shelled, succulent peas and as such product is defined in the Standards of Identity for Canned Peas (21 CFR 51.0) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2282 Types of canned peas. (a) "Early peas" means canned peas of Alaska or other smooth skin varieties.

(b) "Sweet peas" means cannot peas of sweet, wrinkled varieties.

§ 52.2283 Grades of canned peas.
(a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned peas that possess similar varietal characteristics; that possess a good flavor; that possess a good liquor; that possess a good color; that are practically free from defects; that are very young and tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: Provided, That the canned peas may possess a reasonably good liquor; and may possess a reasonably good color scoring not less than 17 points, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra. Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a good flavor; that possess a reasonably good liquor; that are reasonably free from defects; that are young and reasonably tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is

not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good liquor; that possess a fairly good liquor; that postess a fairly good color; that are fairly free from defects; that are nearly mature and fairly tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned peas that fall to meet the requirements of U. S. Grade C or U. S. Standard and that may or may not meet the Standard of Quality for Canned Peas issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER AND SIZES

§ 52.2234 The standard of fill of container The standard of fill of container for canned peas is not incorporated in the grade of the finished product, since fill of container, as such, is not a factor of quality for the purposes of these grades. Canned peas shall be considered standard of fill promulgated under the standard of fill promulgated under the Federal Food, Drug, and Cosmetic Act (21 CFR 51.2). The standard is as follows: If the container is so filled that, when the peas

and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid) 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level ' inch vertical distance below the top of the double scam; and a glass container shall be considered to be completely filled when it is filled to the level 1/2 inch vertical distance below the top of the container. Canned peas that do not meet this requirement are "Below Standard in Fill."

§ 52.2235 Sizes of peas. The size of peas is not a factor of quality of canned peas for the purposes of these grades. The diameter of the pea is the minimum diameter of the pea that will pass freely through a rigid ring of the same diameter without using pressure. The size of canned peas is determined by whether or not peas remain on or pass through the screen sizes designated in Table I of this section.

Table No. I—Delignated Szel of Peacet Cantild Peac

Size decignation	Sercen gizes in inches	
	Petained on—	Partis through—
1	15/2 15/2 13/2 12/2 13/2 14/2	9 12 12 12 12 12 12 12 12 12 12 12 12 12

(a) Canned peas are considered as a single size if 70 percent or more, by count, of all the peas are of a single size and of the balance no more than 3 percent, by count, of the peas may be of the second size larger and no more than 3 percent, by count, of the peas may be of the second size smaller than such predominating size.

(b) Canned peas are considered as a "mixture" or "blend" of two sizes if the two most predominant sizes compose 75 percent or more, by count, of all the peas in the mixture or blend: Provided, That no more than 10 percent, by count, of all the peas may be larger than the largest size in the two most predominating sizes, and no more than 15 percent, by count, of all the peas may be smaller than the smallest size of the two most predominating sizes.

(c) Canned peas are considered as a "minture" or "blend" of three or more sires: Provided, That no more than 5 percent, by count, of all the peas may be larger than the second largest size, and no more than 15 percent, by count, of all the peas may be smaller than the second smallest size.

FACTORS OF QUALITY

§ 52.2286 Ascertaining the grade. (a) The grade of canned peas is ascertained by considering the factors of similar varietal characteristic and flavor which are not scored and the respective ratings for the factors of liquor, color, defects, and maturity and tenderness which are scored.

¹The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Points
10
20
30
40
100

(c) "Good flavor" means that the product, has a good characteristic normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind.

(d) "Fairly good flavor" means that the product, may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors and

objectionable odors of any kind.

§ 52,2287 Ascertaining the rating for the factors which are scored. The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points)

§ 52.2288 Liquor—(a) (A) classification. Canned peas that possess a good liquor may be given a score of 9 or 10 points. "Good liquor" means that the color of the liquor is typical, may possess a slight cloudiness or slight tint of green, that not more than a slight quantity of suspended material or sediment may be present, and that the liquor is not viscous.

(b) (B) classification. If the canned peas possess a reasonably good liquor, a score of 8 points may be given. "Reasonably good liquor" means that the liquor may be cloudy but not off-color. that not more than a moderate quantity of suspended material or sediment may be present and that the liquor may be not more than slightly viscous.

(c) (C) classification. If the canned peas possess a fairly good liquor, a score of 7 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or

U. S. Standard regardless of the total score for the product (this is a limiting rule) "Fairly good liquor" means the liquor may be very cloudy, may possess a pronounced accumulation of sediment, may be dull but not off-color, and

may be viscous but not so viscous that the liquor will not separate from the peas.

(d) (SStd) classification. Canned peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.2289 Color—(a) (A) classification. Canned peas that possess a good color may be given a score of 18 to 20 points. "Good color" means that the canned peas possess a color typical of very young and tender peas of similar varietal characteristics, are bright, and the appearance of the product is not more than slightly affected by variations in color.

(b) (B) classification. If the canned peas possess a reasonably good color, a score of 16 or 17 points may be given. Canned peas that score 16 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule)
"Reasonably good color" means that the canned peas possess a color typical of young and reasonably tender peas of similar varietal characteristics, are reasonably bright, and the appearance of the product is not materially affected by variations in color.

(c) (C) classification. Canned peas that possess a fairly good color may be given a score of 14 or 15 points. Canned peas that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting "Fairly good color" means that rule) the canned peas possess a color typical of nearly mature, fairly tender peas of similar varietal characteristics, the appearance of the product is not seriously affected by variations in color, and are not off-color.

(d) (SStd) classification. Canned peas that are artificially colored or fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule) and, in addition, when artificially colored, the canned peas are "Below Standard in Quality—Artificially Colored."

§ 52.2290 Defects—(a) General. The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects.

(1) "Harmless extraneous vegetable material" means leaves, pea pods, stems, thistle buds, and buds or seeds from

other harmless plants.

(2) "Unbroken pea" means a pea held together by its skin, even though the cotyledons are cracked or partly crushed or the skin split.

(3) "Pieces of pea" means:

(i) A whole loose skin or portions of loose skin aggregating the equivalent of an average size whole skin; and

(ii) Loose cotyledon or pieces of loose cotyledons aggregating the equivalent of an average size cotyledon. Two loose cotyledons or their equivalent will be considered as one piece of pea.

(4) "Minor discoloration" means discoloration which slightly affects but does not materially affect the appearance or

eating quality of the pea.

(5) "Spotted or otherwise discolored" means a pea spotted or otherwise discolored to an extent that the appearance or eating quality of the pea is materially affected, such as, vivid-green peas, or peas showing brown, yellow, or dark discolored areas. (Does not include the peas commonly referred to as "blond" or "cream colored" peas which are scored only under the factor of color.)

(b) (A) classification. Canned peas that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means:

(1) That for each 60 ounces of net contents there may be present one piece. or pieces, of harmless extraneous vegotable material having an aggregate area of $\%_6$ square inch ($\%''\times\%''$),
(2) That 6 percent, by count, of the

peas may be pieces of peas in sizes No. 1 and No. 2 and not more than 4 percent. by count, may be pieces of peas in larger sizes or a combination of larger sizes;

(3) That ½ of 1 percent, by count, of the peas may be spotted or otherwise discolored: Provided, That harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not more than slightly affect the appearance or eating quality of the product.

(c) (B) classification. If the canned peas are reasonably free from defects, a score of 24 to 26 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade B or U.S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably (this is a limiting rule) free from defects" means:

(1) That 1/4 of 1 percent of the drained weight of the peas may be harmless extraneous vegetable material:

(2) That 8 percent, by count, of the peas may be pieces of peas; and

(3) That 2 percent, by count, of the peas may be spotted or otherwise discolored: Provided, That harmless extraneous vegetable material, pieces of peas, light discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not more than materially affect the appearance or eating quality of the product.

(d) (C) classification. If the canned peas are fairly free from defects a score of 21 to 23 points may be given. Canned peas that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means:

(1) That ½ of 1 percent of the drained weight of the peas may be harmless extraneous vegetable material:

(2) That 10 percent of the drained weight of the peas may be pieces of peas:

and

(3) That 4 percent, by count, of the peas may be spotted or otherwise discolored: Provided, That harmless extraneous vegetable material, pieces of peas, light discoloration, spotted or otherwise discoloration peas, and other defects individually or collectively do not seriously affect the appearance or eating quality of the product.

(e) (SStd) classification. peas that fail to meet the requirement of paragraph (d) of this section may

Determined as outlined in the Standard of Quality for Canned Peas (21 OFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below Standard in Quality—Good Food—Not High Grade" for the following applicable reasons: "Excessive Foreign Material," "Excessive Broken Peas," "Excessive Discolored Peas."

§ 52.2291 Maturity and tenderness-(a) General. The determination of maturity and tenderness in the (A) classification is based on the brine flotation test as outlined herein. The determination of maturity and tenderness in the (B) classification is based on the brine flotation test outlined in this subpart, and the alcohol-insoluble solids test with respect to sweet type peas. The maturity and tenderness in the (C) classification is based on the brine flotation test outlined in this subpart, the alcohol-insoluble solids test and the tenderness test as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

(b) (A) classification. Canned peas that are very young and tender may be given a score of 36 to 40 points. "Very young and tender" means that the peas comply with the requirements of Table No. II of this paragraph.

TABLE NO. II

Augustinia .			
Type	Size	Maximum number of peas that sink in 10 sec- onds (percent by count)	Percentage of salt in solution
Sweet	No. 5 and larger and blends containing more than 60 percent No. 5 size or larger.	15	11 1312
Sweet	(No. 4 and smaller and blends containing 50 percent or less No. 5 size or larger and blends of sizes smaller than No. 5.	20	10 12½
Early	All sizes	{ 15 3	11 13½

(c) (B) classification. If the canned peas are young and reasonably tender, a score of 32 to 35 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means:

(1) That the skins of not more than 5 percent, by count, of the peas may be ruptured to a width $\frac{1}{16}$ inch or more; and

(2) That in the brine flotation test the peas comply with the requirements shown in Table No. III of this paragraph: Provided, With respect to sweet type peas, if the eating quality indicates that the peas are nearly mature, the alcoholinsoluble solids test shall be run, and shall not exceed 16.5 percent to score in the (B) classification.

TABLE No. III

Туре	Size	Maximum number of peas that sink in 10 sec- onds (percent by count)	Percent- age of salt in solu- tion
Sweet	No. 5 and larger and blends containing more than 50 percent, No. 5 size or larger. (No. 4 and smaller and	20 3	13 15
Sweet	blends containing 50 percent or less No. 5 size or larger and blends of sizes smaller than No. 5.	20 3	12 15
Early	All sizes	{ 30 3	133 <u>4</u> 16

(d) (C) classification. If the canned peas are nearly mature and fairly tender, a score of 28 to 31 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means:

(1) That the skins of not more than 25 percent, by count, of the peas may be ruptured to a width of ¹/₁₆ inch or more; ²

(2) That not less than 90 percent, by count, of the peas are of such tenderness that they are not crushable by a weight of not more than 907.2 grams (2 pounds); and ²

(3) That the alcohol-insoluble solids of early type peas are not more than 23.5 percent and of sweet type peas not more than 21 percent. The following requirements shown in Table No. IV of this paragraph, with respect to the flotation test, provide a guide for scoring canned peas which are nearly mature and fairly tender:

TABLE No. IV

Туре	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percent- age of salt in solu- tion
Sweet	All sizes	10	15
Early		10	16

(e) (SStd) classification. Canned peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule) and may also be "Below Standard in Quality—Good Food—Not High Grade," for the following applicable reasons: "Excessive Cracked Peas," "Not Tender," "Excessively Mealy."

METHODS OF ANALYSES

§ 52.2292 Methods of analyses—(a) Brine flotation test. The brine solution

is based on the percentage of pure salt (NaCl) in solution. In making the test a 250 ml. glass beaker is filled with the brine solution to a depth of two inches, The temperature of the solution and peas tested should approximate 63 degrees Fahrenheit. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink."

(b) Alcohol-insoluble solids. (1) Pour sample on 8-mesh screen, using 8-inch screen for containers of less than 3 pounds net weight, and 12-inch screen for larger quantities. Spread peas evenly and allow to drain. Transfer peas to white pan and remove any foreign material. Add volume of H₂O equal to double volume of original sample.

(2) Pour peas back on screen, spreading evenly; tilt screen as much as possible without shifting peas; and drain two minutes. With cloth wipe surplus moisture from lower surface of screen. Grind drained peas in food chopper until cotyledons are reduced to smooth homogenous paste, stir, and weigh 20 grams of ground material into 600 ml. beaker. Add 300 ml. or 8 percent alcohol, stir, cover beaker, and bring to boil. Simmer slowly 30 minutes.

(3) Fit into Buchner funnel filter paper of appropriate size (previously prepared by drying in flat-bottomed dish two hours at a temperature of boiling H₂O, covering with tight-fitting cover, cooling in desiccator, and weighing at once). Apply suction and transfer contents of beaker to the Buchner funnel in such manner as to avoid running over

in such manner as to avoid running over edge of paper. Suck dry and wash material on filter with 80 percent alcohol until washings are clear and colorless.

(4) Transfer filter paper and alcohol-

insoluble solids to dish used in preparation of filter paper, dry uncovered two hours at temperature of boiling H₂O, place cover on dish, cool in desiccator, and weigh at once. From this weight deduct weight of dish, cover, and paper. Calculate percent by weight of alcoholinsoluble solids.

(c) Tenderness test. Remove the skin of a pea, placing one of its cotyledons, with flat surface down on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc must be of rigid material and affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc must be a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2

² Determined as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

pounds) A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

LOT CERTIFICATION TOLERANCES

§ 52.2293 Tolerances for certification of officially drawn samples. (a) When certifying samples that have been officially drawn and which represent a specific lot of canned peas, and if all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores:

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores:

scores;
(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2294 Score sheet for canned neas.

Size and kind of container				
Factors		Score po	ints	Average score
Liquor	10	(A) (B) (C) (SStd)		
Color	20	(A) (C) (SStd)	18-20 216-17 114-15 10-13	
Defects	30	(A) (B) (C) (SStd)		
Maturity and tender- ness.	40	(A) (B) (C) (SStd)	36-40 1 32-35 1 28-31 1 0-27	
Total score	100			
Flavor and odorGrade				

¹ Indicates limiting rule.

Done at Washington, D. C., this 28th day of December 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 53-10897; Filed, Dec. 31, 1953; 8:52 a. m.]

[7 CFR Part 971]

[Docket No. AO-175-12]

HANDLING OF MILK IN DAYTON-SPRING-FIELD, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND-MENTS TO TENTATIVE MARKETING AGREE-MENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Shawnee Hotel, 102 East Main Street, Springfield, Ohio, beginning at 10:00 a. m., e. s. t., January 8, 1954.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Dayton-Springfield, Ohio, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR 971.0 et seq.) set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Miami Valley Milk Producers Association:

Proposal No. 1. Delete that portion of § 971.51 (a) prior to subparagraph (1) and substitute therefor the following:

(a) Add to the basic formula price \$1.20 during each month of the year, and add or subtract a "supply-demand adjustment" computed as follows: Provided, That in no event shall the supply-demand adjustment computed pursuant to this paragraph exceed or be less than the supply-demand adjustment computed pursuant to \$965.51 (a) (1) (2) and (3) of the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area (Part 965 of this chapter) by more than 15 cents:

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendment(s) thereto that may result from this hearing.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, 434 Third National Bank Building, Dayton, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 29, 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-10899; Filed, Dec. 31, 1953; 8:52 a. m.]

[7 CFR Part 972]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

CONSIDERATION OF SUSPENSION OR TERMINA-TION OF CERTAIN PRICE PROVISIONS CON-TAINED IN ORDER

Notice is hereby given that pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.), consideration is being given to the suspension or termination of the provisions of § 972.41 (b) of the order, as amended, regulating the handling of milk in the Tri-State marketing area. Request for the suspension or termination of such provisions has been filed with the Dairy Division, Agricultural Marketing Service. It is alleged in such request that the provisions referred to will not tend to effectuate the declared policy of the act during the next few months in view of certain supply and marketing adjustments which have taken place since the order was last amended in respect of § 972.41 (b) on November 1, 1953.

In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.) all persons who desire to submit oral or written data, views, or arguments with respect to the necessity for the action under consideration will be given an opportunity to do so at a public meeting to be held at the office of the Market Administrator, 64 State Street, Gallipolis, Ohio, 10:00 a. m., e. s. t., January 4, 1954

Issued at Washington, D. C., this 29th day of December 1953.

[SEAL] JOHN H. DAVIS, Assistant Secretary of Agriculture.

[F. R. Doc. 53-10900; Filed, Dec. 31, 1953; 8:53 a.m.]

17 CFR Part 982 1

[Docket No. AO 238-A3]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C, 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 222, Windsor Hotel, Abi-lene, Texas, beginning at 10:00 a. m., c. s. t., January 7, 1954, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in tho Central West Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

² Indicates partial limiting rule.

Amendments to the order, as amended, regulating the handling of milk in the Central West Texas marketing area were proposed, as enumerated below.

By Central West Texas Producers Association:

- 1. Delete § 982.9 (c) and insert in lieu thereof the following:
- (c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association: *Provided*, That such a cooperative association shall not be a handler for the purpose of the payment of the expenses of administration as provided in § 982.98.
- 2. Delete § 982.98 and insert in lieu thereof the following:

§ 982.98 Expense of administration. As his prorata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, (b) milk from producers, including such handler's own production which is classified as Class I.

- 3. Amend § 982.51 as follows:
- a. Following the reference to § 982.52 insert the following: "and except as provided in paragraph (c) of this section."
- b. Add the following as paragraph

(c) For the months of February through July of each year the minimum price for such milk used in the production of cheddar cheese shall be the average of the prices paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the plants of the Dairy Gold Creamery, Ballinger, Texas, Triangle Cheese Company, Stephenville, Texas, and the North Texas Producers Association, Muenster, Texas.

By Tennessee Dames:

4. Amend § 982.51 by deleting the section in its entirety and substituting therefor the following:

§ 982.51 Class II milk. Subject to the provisions of § 982.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the average of the prices paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers at the Dairy Gold Creamery, Ballinger, Texas, Triangle Cheese Company, Stephenville, Texas; and the Farmers Marketing Association, Inc., Muenster, Texas.

- 5. Amend § 982.50 so as to delete the words "plus 35 cents."
- 6. Amend § 982.53 so as to eliminate paragraph (b).
- 7. Amend § 982.7 so as to eliminate from paragraph (b) thereof the following words: "In an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month."

By Gandy's Creameries, Inc..

- 8. The establishment of a Class III price for surplus milk sold to condensaries or to cheese manufacturing plants. By Gable's Dairyland Products:
- 9. The removal of Stanford and Anson, Jones County, from the citics com-

prising the marketing area.

By the Dairy Branch:

10. Make such other changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 6619 Denton Drive, Dallas 19, Tex., or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: December 29, 1953.

[SCAL]

Roy W Leimantson, Assistant Administrator

[F. R. Doc. 53-10828; Filed, Dec. 31, 1903; 8:52 a. m.]

I 7 CFR Part 993 1

[Docket No. AO 201-A2]

HANDLING OF DRIED PROVIES PRODUCED IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FUR-THER AMERICANENTS TO AMERICAN MARKET-ING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 ct scq.) (hereinafter referred to as the "act") and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1952 Rev., Part 900) a public hearing was held at Ean Francisco, California on April 14, 15, 16 and 17, 1953, upon proposed further amendments to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1952 Rev., Part 993) regulating the handling of dried prunes produced in California. Said amended marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on August 27, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (18 F. R. 5304) on September 2, 1953.

Ruling on exceptions. An exception to the recommended decision was filed by Fred Onstott, President, and H. C. Reimer, Secretary, on behalf of the Northern California Prune Council, Cousa, California. This exception has been considered carefully and fully in conjunction with the record evidence par-

taining thereto in arriving at the findings and conclusions set forth in this decision. A ruling on such exception is hereinafter cat forth in connection with the findings and conclusions to which they refer. To any extent that the findings and conclusions of this decision are at variance with any exception not otherwise specifically rulid upon, such exception is overruled.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decicion (F. R. Doc. 53-7645; 18 F. R. 5384) are hereby approved and adouted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections which are set forth below, and except as they are modified by the findings and conclusions, including those in connection with the exception, as hereinafter set forth.

The corrections are as follows: In the icsue numbered 1 (in the first line of the first column on page 5305) change the word "file" to "fill;" in the findings and conclusions on the issue numbered 8 (in the 33d line of the first full paragraph in the first column on page 5313) change the words "to sell direct such a foreign" to read "to sell direct to such a foreign;" in the findings and conclusions on the issue numbered 9 (in the first line of the second full paragraph in the third column on page 5313) correct the spelling of the second word to read "provisions;" in the discussion of the issue numbered 10 (in the 14th line of the first full paragraph in the second column on page 5314) correct the spelling of the second word to "quantity" in the discussion of the issue numbered 14 (in the 11th line of the last paragraph beginning in the third column on page 5315) change the words "which the combined tolerance is now 10" to read "which the combined tolerance allowance is now 10;" in the discussion of the issue numbered 14 (in the 6th line from the bottom of the first full paragraph in the first column on page 5316) change the first "as" to read "at;" and, in the discussion of the issue numbered 14 (in the first line of the last paragraph beginning in the first column on page 5310) change the word "hearings" to read "hearings."

The exception, and the ruling thereon, is as follows:

(1) In the discussion of material issue numbered 10, it was concluded that § 993.63 (f) should be amended by the addition of provisions requiring that whenever a certificate of inspection applicable to prunes turned over to a handler unsorted by a producer or dehydrator to be held by the handler as substandard natural condition prunes for the account of the committee pursuant to the provisions of § 993.48 (e) (1) (iii) shows that such prunes fail to meet the applicable minimum standards cat forth in § 993.97 (E::hibit A) when concidered in terms of the entire lot, as they relate to the defects of mold, imbedded dirt, inject infestation, and decay, such prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human

consumption. The amendment also would require that whenever a certificate of appraisal issued pursuant to the provisions of § 993.48 (e) (2) shows that if the quantity of substandard prunes to which such certificate applies were to have all offgrade prunes removed therefrom such offgrade prunes would fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) as they relate to the above-mentioned defects, a quantity of prunes equivalent to the weight of such offgrade prunes necessary to be removed from the total tonnage shown on the applicable certificate in order for the remainder to be standard prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption.

A brief, taking exception to this amendment and requesting its deletion from those proposed, was filed by the Northern California Prune Council, Colusa, California, a group of prune producers.

It is explained in the introduction of the brief that the Council is not opposed to the intent of the proposed amendment that the quantity of inedible prunes in prunes marketed for human consumption be reduced or eliminated, but that the Council feels the proposal would not accomplish this purpose and requests its deletion so that the industry, after more thorough study, may submit a more practical solution to the problem.

Five major objections to the proposed amendment are included in the Council's brief: (1) The amendment is impractical of operation; (2) the amendment discriminates between cooperative association members and independent producers; (3) the amendment discriminates as to districts; (4) the amendment appears to be contrary to the present provisions of the order in §§ 993.48 and 993.49 which require that, as near as practicable, the incoming and outgoing inspection provisions be comparable; and (5) the amendment might "short" the juice supply.

In support of the view that the amendment is impractical of operation, it is stated that inspectors would have difficulty in inspecting prunes to such a critical point as would be required; that the heavy responsibility that would be placed on inspectors would be unfair to packers, growers and the inspector; that the financial importance to the grower imposed by this amendment could mean his profit or loss for the year and that a grower would hesitate to have an appraisal inspection, and as a result, would have to deliver the lot on a conditional receiving basis providing for later reconditioning, thus greatly increasing his expense as well as interfering with normal industry practice.

The term critical point as used above its understood to mean an exact, or specific, point or limit established by a tolerance figure for a defect or group of defects. On the basis of this definition, the inspection of prunes would be no more critical in respect to a determination under the amendment than in re-

spect to other inspection determinations required under the order. The amendment, which in its application to prunes delivered under appraisal would necessitate a determination as to whether the offgrade prunes in the lot contained more than five percent of medible defects, would simply emphasize one more critical point with which the inspector must concern himself. However, any inspection involves critical points, one of the necessary aspects of inspection. For example, a lot of prunes may contain one percent of prunes, by weight, affected by decay and be standard quality, but it would be substandard if it contained any quantity, however small, of such prunes in excess of one percent. The same principle would apply with respect to the tolerance of 8 percent for the so-called major defects. In any case, a few prunes more or less in the sample, affected by the defect or defects to which the tolerance applies, could determine whether the lot being inspected met the prescribed tolerances. Actually, the inspection routine would not be changed by the amendment, but merely the disposition of a portion of the lot inspected. The responsibilities of inspectors would be affected by the amendment only by adding one more determination to be made on the basis of the analyses of the samples. It appears that such determination would be similar to others required of inspectors under the respective quality regulations in the order, and could be made by qualified inspectors.

The extent to which a grower's financial returns might be reduced by the application of the provisions of the amendment to appraisal lots of prunes would depend upon the extent to which such grower failed to keep out of his deliveries prunes having the four worst defects (mold, imbedded dirt, insect infestation and decay) which prunes are unfit for human consumption. It is the intent of the amendment that producers take active steps to keep such defects to a minimum. According to the conditions on the individual ranch one or more of a number of steps may be taken to accomplish this, such as improved cultural, harvesting, dehydration and sorting practices.

The use of practices necessary to keep inedible prunes to a minimum should improve financial returns to producers in several respects. Since handlers would receive fewer inedible prunes, fewer would be included in their shipments to the trade, whether for human consumption as prunes or for manufacturing use, thereby increasing consumer acceptance and trade demand for prunes. Not only should producers' deliveries of prunes that are more free of the four medible defects bring an increased return because of their better quality, but increased consumer acceptance and trade demand would reduce correspondingly the necessity for sacrificing edible prunes in low return outlets such as animal feed in years of heavy production. The expense to producers of cleaning up their deliveries should be offset by the fact that less sorting by handlers would be required and handlers should pay more for the cleaner fruit.

It was testified at the hearing that the use of the appraisal method of delivering prunes by producers to handlers had grown to a far greater extent than was originally intended. Such testimony was strikingly borne out by reports of the tonnages of prunes received as standard prunes, received as substandard, and received under appraisal in the 1952-53 crop year. One of the main purposes of the appraisal method was to avoid having the producer take his prunes back to his ranch for further sorting if the prunes failed to qualify as standard prunes by a slight margin. However, it has developed that prunes have been delivered under the appraisal method which contained defective prunes considerably in excess of the tolerances for standard prunes, and some producers and dehydrators have become careless with respect to the quality of prunes which they produce and deliver to handlers.

It was expected when the marketing agreement and order were put into effect in 1949 that a gradual improvement in the quality of producers' deliveries to handlers would take place. However, the reverse has been true. In an effort to improve the quality of prunes marketed, amendments affecting both handlers and producers have been proposed. Under one amendment handlers would contribute to the improvement of order operations affecting substandard prunes delivered on appraisal certificates in that the present tolerance of 20 prunes per pound with respect to sizes of prunes delivered by handlers to the committee on the equivalent quantity basis would be reduced to five prunes per pound. This should result in appreciably more sorting of appraisal lots by handlers in order to satisfy their equivalent quantity obligations to the committee with as many of the actual defective prunes in the appraisal lots as practicable. In view of the contribution that handlers would be making toward quality improvement. it is believed that the taking of effective measures by producers and dehydrators to keep out of their deliveries as many as practicable of the prunes affected by the four inedible defects would balance their efforts in the direction of quality improvement with those of the handlers. This does not appear too much to expect of a grower who is producing a food crop for human consumption. Should prune producers and dehydrators do this, deliveries on a conditional receiving basis would not be necessary.

In crop years in which a surplus pool is operated, it is contemplated that the Prune Administrative Committee will establish a lower rate of return to equity holders for prunes which are pooled pursuant to the provisions of the proposed amendment than for other surplus substandard prunes. In this way even in years of heavy prune production, producers and dehydrators will be afforded a financial incentive to improve the quality of prunes produced and to keep out of their deliveries to handlers prunes which are offgrade due to the defects of mold, imbedded dirt, insect infestation and decay. In short crop years, when no surplus pool would be operated, the demand for edible substandard prunes

for manufacturing should provide sufficient financial incentive for producers to keep their appraisal deliveries as free from the four medible defects as practicable.

With respect to alleged discrimination between cooperative association members and independent producers, the brief states: "Under the program, rightfully, the association is considered as one grower, and therefore can take most of the year to recondition, grade and receive the fruit of its members before reporting its surplus obligation to the committee. The independent grower must make this decision at delivery time, before the industry or the grower knows whether edible offgrade fruit will be used for manufacturing purposes or will be diverted by the committee for stock feed."

Although the association has the authority to concentrate the tonnage of its members before applying the surplus tonnage provision of the order, deliveries of prunes to the association by individual members are required to be, and have been inspected at the time of such delivery and inspection certificates or appraisal certificates have been issued thereon at that time. With respect to operations under the provisions of the amendment, each delivery of substandard prunes by each member to the association would be inspected upon delivery and a certificate of inspection or a certificate of appraisal would be issued thereon. In such a situation, the equivalent quantity obligation of the association under the amendment with respect to the prunes delivered under appraisal certificates would be an aggregate quantity equal to the sum of the quantities which would have to be diverted to nonhuman uses as reflected on the applicable appraisal certificates.

The association is considered one equity holder with respect to surplus pool proceeds and any lower rate of return established by the committee for prunes which are pooled pursuant to the provisions of the proposed amendment would be reflected to the association just as to any other equity holder. The distribution of such surplus pool proceeds to its members would then be a matter of internal operation by the association. No reason has been found which is believed to support the view that the amendment would discriminate between cooperative association members and independent producers.

In explaining the view that the amendment would discriminate as to districts it is stated that in the northern area (Tehama, Butte, Colusa, Sutter, Yuba and Yolo Counties) prunes often crack due to weather and climatic conditions, with mold developing in some of the cracks in some years; that it is impractical for the grower at harvest and delivery time to sort out the medible defects when it is not known whether the prunes will be used for cattle feed or whether part of the offgrades will later be released by the committee for manufacturing; and that by nature of the delivery problems between areas the amendment further discriminates between districts, as it is impossible for the grower to take the fruit back to the ranch for reconditioning, even if he were assured that the lot could then be sold for manufacturing purposes.

Data presently available are insufficient to show whether, over a period of years, a larger percentage of the prunes in the six counties referred to above are affected by the defects of mold, imbadded dirt, insect infestation and decay than in other producing areas in California. Such defects do occur in other producing areas, however, and the prevalence of such defects probably varies among areas in different crop years. Should it be true, however, that prunes in any one area are affected by those defects to a greater extent than the prunes in other areas, it appears that a greater need would exist to take remedial actions at the source of such fruit, before it is delivered to distant packing houses. It is recognized that the practice of returning prunes from a handler's plant to a producer's ranch for resorting or reconditioning is expensive even if possible, and that such return is impossible if the lot has been graded and commingled with other prunes. Such factors are inherent in the normal course of making deliveries of prunes, and in the event a lot should be returned to the ranch, many of the expenses would accrue regardless of the distance between the ranch and the packing house.

At prune harvesting time, producers usually are well informed as to the size of the crop and as to the regulations which will probably apply to the handling of it. In the light of such information a producer should be able to plan his harvesting and delivery operations so that his prunes will conform to the regurements of the applicable regulations as to handling, with the maximum possible returns to himself. Whether in years of heavy production or otherwice, it is expected, as stated hereinabove, that the committee will establish a lower rate of return for prunes pooled under the provisions of the proposed amendment than for other surplus substandard prunes. Producers who keep the prunes with inedible defects out of their deliveries would thus receive relatively more for their surplus substandard prunes than those who fail to do so, regardless of the ultimate disposition of the prunes.

Even though the provisions of the proposed amendment may apply to a larger percentage of the prunes in some producing areas than others, it appears that such differences would vary from year to year in their occurrence and their degree; also that such differences would result from conditions in the respective areas. It appears that any program for quality improvement in prunes would apply in different degrees to any areas among which differences in quality of prunes existed.

Reference is made in the brief to provisions in the order that the quality regulations applicable to the receipt and the disposition of prunes by handlers shall be comparable so far as practicable, and it is stated that the proposed amendment appears to be contrary to such provisions. In support of this view the following example is cited:

However, if a grower's lot is delivered on an appraisal certificate and contains 10 norcent unjor defects, his tolerance for inci-ibles is limited to ! of 1 percent in order that the calible sub-standards may be used for manufacturing purposes.

This came lot when delivered to a poster

can be sorted down to 8 percent major defeets, with the equipment which he notmally uses in his operations, and can be packed out on a 5 percent inedible tolerance, as compared to the grover's ½ of 1

percent limitation.

The handler also has the added floxibility of blending this 10 percent lot with a lot containing less than maximum allowable percentage of major defects, thus enabling him to chip prunes without reconditioning.

In respect to the above example, the quality regulations applicable to the receipt and disposition of prunes would be more comparable than indicated by the Council. If by incoming inspection it were determined that the offgrade prunes in such lot exceeded the 5 percent tolerance for inedible defects, the handler, on the basis of the appraisal certificate, would be obligated to deliver to the committee for nonhuman uses a quantity of prunes equal to the quantity required to be removed from the lot for the remainder to be standard prunes. The 5 percent tolerance for inedible defects would then apply, in outgoing inspection of the remainder, to a smaller quantity of prunes than the total quantity originally comprising the lot received from the producer. Also, when a lot of prunes to be disposed of by a handler exceeds the 5 percent tolerance for medible defeats, the entire lot is ineligible for disposition for human consumption. In the case of incoming inspection under appraisal, however, the application of the provisions of this amendment would channel to nonhuman uses only a quantity of prunes equivalent to the quantity necessary to be removed from the lot for the remainder to be standard prunes, in the event the offgrade prunes in the lot exceeded the 5 percent tolerance for incdible defects.

Another aspect of comparability of quality regulations is the fact that in order to comply with a proposed tolerance of five prunes per pound in the average size count of prunes delivered to the committee on the equivalent quantity basis (compared with the present tolerance of 20 prunes per pound) handlers would be sorting from the prunes received on appraisal more of the offgrade prunes of poorest quality than heretofore. The efforts of producers and dehydrators to minimize the inadible defects in their appraisal deliveries, which would be expected to result from the adoption of the amendment in question, would complement the quality improvement effected by handlers by such

sorting.

With respect to a handler's ability to blend a lot that exceeds the tolerance for major defects with a lot containing less than the maximum allowable percentage of such defects, two factors apparently would tend to reduce any practice of blending for the sole purpose of bringing the average within maximum tolerances. One is the increased sorting by handlers to meet the 5 point tolerance as to size count, in which normally the worst prunes would be removed. The other is the sorting by the handler which would be required to meet any obligations with respect to appraisal lots under this amendment, in which process also it would be normal to remove the worst prunes. The fruit remaining in the handler's possession after sorting would be more free from defects, which should result in less blending for the purpose of coming within maximum tolerances. In view of the foregoing, it is concluded that the application of the quality regulations in the further amended order, including this amendment, to a producer's deliveries of prunes to a handler, would be comparable within the concept of the order with the application of the quality regulations to a handler's dispositions of prunes.

With respect to the possibility that the proposed amendment might cause a shortage in the supply of prunes for juice, it appears that this would be unlikely unless producers make little effort to clean up their deliveries under appraisal. In a short-crop year particularly, there should be ample incentive in the demand for edible substandard prunes for producers to take the necessary steps to see that the edible substandard prunes in their deliveries would be eligible for use in manufacturing out-The possibility of an madequate supply of prunes for the juice trade in any crop year could also be taken into account by handlers who might compensate to some extent for any such contingency by modifying their policies regarding carryover of prunes.

It may be that the appraisal provision in the marketing agreement and order program is essential to practical operations thereunder. However, in the four crop years in which the program has been effective, the quality of prunes delivered under appraisal certificates has not improved but has declined, and it appears that if the program is to serve its purpose, effective action must be taken by producers and dehydrators to this trend. reverse this trend. The proposed amendment may not be the best possible way of accomplishing the result. It appears, however, that it does provide an opportunity for improving the quality of prunes delivered, assuming the cooperation of producers and dehydrators and the establishment by the committee of equity values for surplus substandard prunes which would provide an additional financial incentive.

In view of the foregoing, it is concluded that this amendment should be included in the proposed amended order.

(2) In the discussion of the material issue numbered 11, it was concluded that § 993.63 should be amended by adding a new paragraph (lettered (k)) which would authorize the committee to hypothecate binding written contracts for the sale of surplus prunes subject to the following restrictions, which should be set forth in, and be made a part of, each such loan agreement: (a) The recourse of the lender shall be confined to the particular sales contract or the proceeds which are derived therefrom; (b) neither the Secretary, the committee, nor any of the committee's members, alternate members, officers, or employees, shall be

liable for the repayment of the particular loan; and (c) the lender waives any -right which he might otherwise have. in case of default in repayment, to take any action to obtain either possession or control of the surplus prunes involved. It was contemplated that the inclusion of these restrictions in each such loan agreement would serve to confine the recourse of the lender either to the particular sale contract which had been hypothecated to him, or, if the sale proceeds had been received by the committee, to such proceeds so long as they were in its possession or under its control. The desirability for such a confinement of liability was stressed at the hearing, and the need for it is considered to be obvious.

A question has been raised with respect to the proposed restriction which is set forth under (b) above. The substance of that question is that the enumerated exemptions from liability should be expanded so as to include also "any distributee as such of the loan proceeds. its officers or employees." These distributees would normally be either socalled independent prune producers or the cooperative association of prune producers which operates in the production area, except that, in a relatively few instances, individual independent prune producers may have assigned their interests in these payments to other persons, as for instance, to prune handlers. The amount available for distribution from such a loan would usually be made as a progress payment, and such amount would presumably be reduced by the withholding by the committee therefrom of what it considered to be an adequate sum to cover the estimated expenses for operating the surplus pool. Thus, these distributions would be diffused through payments to large numbers of distributees, and, except in the case of the cooperative association, would be relatively small in each instance. Even in the case of the cooperative association, it is believed to be improbable that such a payment would exceed about 38 percent of the amount of the particular loan. In other words, such a recovery action by a lender against the distributees would apparently entail the bringing of it against such a large number of them, and for such relatively small amounts in each instance, that the possibility of the bringing of such a court action would be remote. However, the specific inclusion of these distributees in the exemption should cause no complications to arise, and it would be in accordance with the intent that they be free from any liability in the matter. In view of this, and since the express inclusion of them in the exemption is desired by the committee, it is concluded that such specific inclusion should be added.

In the original proposal (No. 19) which was set forth in the notice of hearing, the only language which would have operated, to any extent, to have included distributees specifically in the list of those exempted from liability is the following: "nor any organization represented by such member or alternate member." Such a manner of specification would obviously not have been ade-

quate in any event. For instance, it would not have included independent prune producers who are not banded together into an organization. Further, it would seem to imply that such exemption would apply only to the particular organizations (i. e., business companies) of which they are officers or employees. Such differentiations in treatment would, of course, not have been justified. The proposed specified exemptions from liability of members and alternate members of the committee are intended to apply to them solely in their official capacities as such, and without reference to the organizations which they may be considered to represent.

In further regard to the above, the original proposed amendment in this connection which was set forth in the notice of the hearing and discussed at the hearing also specified the exemption from liability of any "agent of the committee." It is provided, in § 993.63 (i) (2) of the order, that the committee may make distribution of the net proceeds from the surplus pool and progress payments from that pool "either directly or through handlers as agents of the committee." Inasmuch as these handler-agents merely act for the committee as intermediaries in the distribution of the pool proceeds, it was origmally considered that the exemption of the committee necessarily entailed the exemption of the committee's agents, who performed these ministerial actions of transmitting the money to the individual distributees pursuant to the committee's directions and supervision. However, it is now concluded that, in order to obviate the possibility that any question in this connection will arise in the future, such agents should likewise be included specifically in the list of those who are exempted from liability.

In line with the foregoing, the modifications set forth below are made in the discussion of this matter in the recommended decision and the recommended further amended order.

The first paragraph (see 18 F R. 5314) of the discussion of the issue numbered 11 in the recommended decision is changed to read as follows:

Section 993.63 should be amended by adding at the end a new paragraph, lettered (k) which would authorize the committee to hypothecate binding written contracts for the sales of surplus prunes to any person, subject to the following restrictions, which restrictions should be set forth in, and form a part of, each such loan agreement: (a) The recourse of the lender shall be confined to the particular sale contract or the proceeds which are derived therefrom; (b) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, in whole or in part, of the particular loan; and (c) the lender waives any right which he might otherwise have, in case of default in repayment, to take any action to obtain either possession or control of the

surplus prunes involved. It is intended that the inclusion of these restrictions in each such loan agreement will serve to confine the recourse of the lender either to the particular sale contract which had been hypothecated to him, or, if the sale proceeds have been received by the committee, to such proceeds so long as they remain in its possession or under its control. The desirability for such a confinement of liability was stressed at the hearing, and the need for it is considered to be obvious.

Also, proposed new § 993.63 (k) of the recommended further amended order (see 18 F. R. 5329) is changed to read as follows:

(k) Hypothecation of binding written contracts for the sales of surplus prunes. The committee may hypothecate binding written contracts for the sale of surplus prunes, for the purpose of obtaining funds for the distribution of proceeds of the sales of surplus tonnage prunes in accordance with the provisions of subparagraph (2) of paragraph (i) of this section: Provided, There are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sale contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in repayment, to obtain either possession or control of the surplus prunes involved.

Marketing agreement and order. Annexed hereto, and made a part hereof. are two documents entitled, respectively. "Marketing Agreement, as amended, Regulating the Handling of Dried Prunes Produced in California" and "Order, as amended, Regulating the Handling of Dried Prunes Produced in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The marketing agreement, as amended, and the order, as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 23th day of December 1953.

[SEAL] JOHN H. DAVIS. Assistant Secretary of Agriculture.

Order as Amended, Regulating the Handling of Dried Prunes Produced in California

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£33.£7	Exhibit A, minimum standards.

Authority: \$\$ \$93.1 to \$33.97 imued under see. 5,49 Stat. 753, as amended; 7 U.S. C. and Sup. 603c.

§ 993.0 Findings and determinations—(a) Findings upon the basis of the hearing record. (1) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance (14 F R. 5254) of the marketing agreement and order, as supplemented by the findings and determinations which were made in connection with the issuance (16 F. R. 8437) of the amendment of such marketing agreement and order which was issued on August 17, 1951, and all of said previous findings and determinations, except the finding as to the base period for the parity computation, are hereby ratified and confirmed except incofar as such findings and determinations may be in conflict with the findings set forth herein; (2) the amended order, as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; (3) said amended order will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included, in the proposals upon which the amendment hearing has been held; and (4) there are no differences in the production and marketing of dried prunes in the production area covered by said amended order, which make necessary different terms applicable to different parts of such area.

Order relative to handling. It is, therefore, ordered, that the handling of dried prunes produced in California shall, from the effective time of this amended order, be in conformity to, and in compliance with, the terms and conditions of this emended order:

Sections 903.1 through 993.97 of the recommended marketing agreement, as amended, and order, as amended, sat forth in the Assistant Administrator's recommended decision, published in the FEDERAL REGISTER on September 2, 1953 (18 F. R. 5304, F. R. Doc. 53-7645) except for the corrections which are set forth below, and except as they are modified by the findings and conclusions, in-cluding those in connection with the exceptions, as set forth herein.

The corrections are as follows: In § 993.23 (a) (1) (beginning in the last line of the second column, and continuing in the third column on page 5320: change the words "territory in Santa Clara west of a line" to read "territory in Santa Clara County west of a line" in § 993.28 (b) (in the 32d line from the bottom of the first column on page 5321) change the word "handled" to read

¹This order shall not become effective unless and until the requirements of § 600.12 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

"handler" in § 993.28 (b) (in the 24th and 25th lines from the bottom of the first column on page 5321) correct the spelling of "independent" to read "independent"; in § 993.59 (a) (1) (in the tenth line from the bottom of the second column on page 5325) correct the spelling of "effectutae" to read "effectuate" and in § 993.97 (Exhibit A) I B (5) (b) (in the 22d line of the first column on page 5331) change the period after "prunes" to a semicolon.

DEFINITIONS

- § 993.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary under the act.
- § 993.2 Act. "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)
- § 993.3 *Person*. "Person" means an individual, partnership, corporation, association, or any other business unit.
- § 993.4 Prunes. "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without deterioration or spoilage. unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved; and (c) prunes as used in § 993.62.
- § 993.5 Natural condition prunes. "Natural condition prunes" means prunes which have not been processed.
- § 993.6 Processed prunes. "Processed prunes" means prunes which have been cleaned, or treated with water or steam: Provided, That prunes shall not become processed prunes at the time they are cleaned by a producer or a dehydrator in the course of preparing them for delivery to a producer, dehydrator, or handler.
- § 993.7 Standard prunes. "Standard prunes" means any lot of natural condition prunes meeting the applicable grade and size standards prescribed pursuant to § 993.48.

- § 993.8 Standard processed prunes. "Standard processed prunes" means any lot of processed prunes meeting the applicable grade and size standards prescribed pursuant to § 993.49.
- § 993.9 Substandard prunes. "Substandard prunes" means any lot of processed or natural condition prunes failing to meet the applicable grade and size standards prescribed pursuant to §§ 993.48 and 993.49.
- § 993.10 Handle. "Handle" means to receive, process, package, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person) whatever may be the ultimate destination or end use of the prunes: Provided, That this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California, (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (e) (1) or § 993.50 (c)
- § 993.11 Handler "Handler" means any person who handles prunes.
- § 993.12 Dehydrator "Dehydrator" means any person who produces prunes by drying or dehydrating plums by means of sun-drying or artificial heat.
- § 993.13 *Producer* "Producer" means any person who is engaged, in a proprietary capacity, in growing plums for drying or dehydrating into prunes.
- § 993.14 Ton. "Ton" means a short ton of 2,000 pounds.
- § 993.15 Grade. "Grade" means the classification of prunes for quality and condition according to the grading specifications established pursuant to the provisions of this subpart.
- § 993.16 Size. "Size" means the number of prunes contained in a pound or the classification of prunes into their various count groups in accordance with the usual practice of the industry.
- § 993.17 Crop year "Crop year" means the 12-month period beginning August 1 of any year and ending July 31 of the following year.
- § 993.18 Domestic. "Domestic" means the continental United States, Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands, and Canada.
- § 993.19 Proper storage. "Proper storage" means storage of such character as will maintain prunes in the same condition as when received by the handler, except for normal and natural deterioration and shrinkage.
- § 993.20 Part and subpart. "Part" means the order regulating the handling

of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

PRUNE ADMINISTRATIVE COMMITTEE

- § 993.24 Establishment of Prune Administrative Committee. A Prune Administrative Committee (hereinafter referred to as the "committee"), consising of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom, with their respective alternates, 14 shall represent producers and 7 shall represent handlers.
- § 993.25 Term of office. The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.
- § 993.26 Selection. Selection of members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by the respective groups except as otherwise provided in § 993.32, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made by the Secretary from the classes within each group and in the proportions set forth in § 993.28.
- § 993.27 Eligibility. Each producer member and alternate member of the committee selected to represent a district described in § 993.28 (a) (1) shall be, at the time of his selection and during his term of office, a producer in the district for which he is selected, and shall not be engaged in the handling of prunes, either in a proprietary capacity or as a director, officer, or employee. Each producer member and alternate member of the committee selected to represent producers-at-large in the manner contemplated in §§ 993.26 and 993.28 (a) (3) may be, at the time of his selection and during his term of office, a producer in any district, but he shall not be engaged in the handling of prunes, either in a proprietary capacity or as a director, officer, or employee. Each handler member and alternate member of the committee shall be either a handler of prunes, or an employee, or agent of a handler of prunes, actually engaged in the handling of prunes while he is such member or alternate member.
- § 993.28 Nommees—(a) Producers. nominees—(1) Independent producers. Prior to March 1 of each election year, the committee shall cause to be held, in each of the seven election districts which are described below in this subparagraph, a meeting for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as members and alternate members for the respective districts. Each such candidate must be a producer in the district for which he is proposed. Prior to March 15 of that election year,

the committee shall prepare for each district and mail to each producer of record in that district who is not a member of a cooperative marketing association a ballot containing the names of such proposed candidates for that district, and the ballot shall also contain blank spaces for use by the voters in writing in the names of any other eligible producers for whom they may wish to vote in lieu of any of those listed. However, the committee may, if it should deem such action to be desirable, use such a ballot for two or more districts jointly Provided, That the returns shall be considered in the light of the voting by each district separately, and subject to the terms and conditions specified herein which are applicable to voting in the individual districts. Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. In order to be counted, such a mail ballot must be executed and returned to the committee postmarked not later than the following March 31. One nominee for member and one nominee for alternate member for each district shall be submitted to the Secretary by the committee on the basis of those receiving the plurality of the mail ballots cast for the respective positions in the particular district. The seven districts which are referred to above are described as follows:

District No. 1. The countles of Modoc, Lassen, Plumas, Sierra, Butte, Sutter, Yuba, Nevada, and Placer.

District No. 2. The counties of Napa and Solano.

District No. 3. The counties of Mendocino, Lake, Sonoma, Marin, Del Norte, and Humboldt.

District No. 4. The counties of San Franciso, San Mateo, and Santa Cruz, and all that portion of the territory in Santa Clara County west of a line described as follows: Beginning at the intersection of Alviso Road and San Francisco Bay in Alviso; thence south via Alviso Road to First Street in San Jose; thence south on said First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road; thence south on Meridian Road to Dry Creek Road; thence west on Dry Creek Road to the San Jose-Los Gatos Highway; thence southwesterly on the San Jose-Los Gatos Highway to Union Avenue, also known as Ware Avenue; thence south on Union Avenue, also known as Ware Avenue, along a straight line continuing to the Santa Cruz County line.

District No. 5. All of Alameda County and that part of Santa Clara County east and south of District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. All of the counties in the State of California not included in Districts No. 1 to No. 6, inclusive.

At any time the Secretary concludes that the respective areas covered by the aforementioned seven districts, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages, he may change such areas with a view to recatablishing such equalization on the basis of the existing situations.

(2) Cooperative producers. Prior to March I of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year, the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Sccretary on behalf of their members such number of producer nominees and their respective alternates.

(3) Producers-at-large. The number of nominees and their respective alternates then required to make up the total of 14 producer member nominees and their alternates shall be nominated to the Secretary by the seven independent producer nominees nominated for members on the committee pursuant to the provisions of this section. Such nominations shall be made prior to April 15 and shall be by majority vote.

(b) Handler nominces. Prior to March 15 of each election year, the Secretary shall determine and announce the number of handler member nominces and handler alternate member nominces which shall be nominated by cooperative marketing associations handling plunes, on the same basis as his determination of the number of cooperative producer nominees, as set forth in paragraph (a) (2) of this section, and at the same time he shall determine and announce, for those handlers who are not cooperative marketing associations (referred to in this subpart as "independent handlers"), the number of handler member nominees and handler alternate member nominees to be nominated by large handlers, the number to be nominated by medium handlers, and the number to be nominated by small handlers. Large handlers shall be deemed to be those who during the preceding crop year individually handled as the first handlers thereof, 17 or more percent of the total tonnage handled by independent handlers

handlers, those who during the preceding crop year individually handled as the first handlers thereof, eight or more percent but less than 17 percent of the total tonnage handled by independent handlers as the first handlers thereof; and small handlers, those who during the preceding crop year individually handled as the first handlers thereof, less than eight percent of the total tonnage handled by independent handlers as the first handlers thereof. The Secretary shall, in his discretion and insofar as it is possible to do so, apportion 40 percent of the independent handler nominees to large handlers, 20 percent of the indspendent handler nominees to medium handlers, and 40 percent of the independent handler nominees to small handlers, but in the event that these proportions cannot be followed, there shall be at least one independent handler member nomines and handler alternate member nominee apportioned to each of the three classes of independent handlers, and the nominees for any remaining member positions, including the respective alternates, shall be apportioned to the size class or classes as determined at a general meeting of mdependent handlers which shall be called for that purpose by the committee, such determination to be made on the basis of a majority vote of all independent handlers who are present at such meeting and participate in the voting. and on the further basis of one vote for each such handler in each balloting. Prior to March 31 of each election year, the cooperative marketing associations handling prunes shall nominate to the Secretary such number of handler member nominees and their respective afternates as the Secretary has determined and announced for cooperative marketing associations. Prior to March 31, at a meeting called for that purpose by the committee, each class of independent handlers shall nominate the number of handler member nominees and their respective alternates as determined and announced by the Secretary for each class, respectively. At such meeting, nominations shall be made by each class of independent handlers for nomineas of that class, on the basis of a majority vote of all handler members of that class present and participating in the voting and on the further basis of one vote for each handler in each class in each balloting for nominees of that class.

§ 993.20 Alternates. An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, recignation, disqualification, or death, until a successor for such member's unexpired term has been salected and has qualified.

§ 993.30 Failure to nominate. In the event nominations for any positions on the committee are not received within the prescribed periods, the Secretary may select such members or their alternates, without regard to nominations, but each such selection shall be on the bases preceibed in § 993.28.

of, 17 or more percent of the total tonnage handled by independent handlers lected as a member or alternate member as the first handlers hereof; medium of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance within 15 days after receiving notice of his selection..

§ 993.32 Vacancies. In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify or, by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within 60 calendar days after such vacancy occurs. Such nomination shall be made in the manner provided for in this subpart, insofar as applicable, except that nominations for independent producer member and alternate member positions may at the discretion of the committee, be made to the committee by the incumbents of the remaining independent producer member positions.

§ 993.33 Obligations. Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property funds, and claims vested in such member or alternate member shall be vested in his successor or. until such successor has been selected and has qualified, in the committee.

§ 993.34 Voting procedure and verbatim record. Except as specifically otherwise provided in this section, all decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days' advance notice must be given with respect to any meeting of the committee. In case of an emergency to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as 1s practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption. Any recommendation submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.63, shall be on the basis of an affirm-

ative vote by at least 75 percent of the members present (in case of fractional numbers, expressed in terms of the next highest whole number) Provided, That, at least 11 members vote affirmatively on any such recommendation. The committee shall file with the Secretary along with recommendations submitted to the Secretary pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50, or §§ 993.59 through 993.61, a verbatim record of those portions of its meetings relative to such requirements. Whenever the committee votes on any matter involving a recommendation or proposal to the Secretary, it shall report promptly to the Secretary the individual votes cast in connection therewith, and, in addition, the committee shall report to the Secretary the individual votes cast in connection with any other matter on which there is a roll call.

§ 993.35 Compensation and expenses. The members of the committee, and their alternates when acting as members. shall receive \$10.00 per day for each day devoted to performing their duties hereunder, plus their reasonably necessary expenses.

§ 993.36 Powers. The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart:

(b) To make rules and regulations to effectuate the terms and provisions of this subpart:

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 993.37 Duties. The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, de-

hydrator, or handler.

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than the fourth Tuesday of July of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor.

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem ap-

propriate, or as the Secretary may request:

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus tonnage operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee, by producers, dehydrators, and handlers:

(i) To prepare and submit to the Sccretary annually as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the financial operations of the committee with respect to the surplus tonnage for such crop year and to make such statement available at the offices of the committee, for inspection by producers, dehydrators, and handlers:

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request. Such report shall show, among other things, the receipt and expenditures of funds. At least two copies of such audit report shall be submitted to the Secretary; a copy of each such report shall be available, at the offices of the committee, for inspection by producers, dehydrators, and handlers:

(k) To give the Secretary the same notice of meetings of the committee as is given to the members of the

committee;

(1) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(n) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

MARKETING POLICY

§ 993.41 Report of marketing policy. Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to \$\$ 993.48 through 993.63. Such report shall include the data and information used by the committee in the formulation of such marketing policy. In developing the marketing policy, the committee shall give consideration to the following factors:

(a) The estimated tonnage of prunes from preceding crop years held by handlers;

(b) The estimated tonnage of prunes from preceding crop years held by producers and dehydrators:

(c) The estimated production of prunes in such crop year:

(d) An appraisal of the quality and size of prunes of the crop to be produced in such crop year:

(e) The estimated tonnage of prunes marketed in recent crop years in domestic commerce, segregated by uses;

(f) The estimated tonnage of prunes marketed in recent crop years in foreign commerce, segregated by countries or groups of countries in such a way as to indicate the variables, if any, in the tonnages marketed in each such country or groups of countries under different pricing conditions:

(g) The current prices being received for prunes by producers, dehydrators, and handlers;

- (h) The trend and level of consumer income:

 The estimated probable market requirements for prunes in such crop year in domestic commerce, segregated by uses;

(j) The estimated probable market requirements for prunes in such crop year in foreign commerce, segregated by countries or groups of countries in such a way as to reflect the apparent variables, if any, in such requirements under different pricing conditions;

(k) Such factors, in supplying foreign commerce, as may tend to directly affect, burden, and obstruct the normal channels of domestic commerce;

(1) Such other factors as may have a bearing on the marketing of prunes; and

(m) In the event that the committee contemplates that it will recommend to the Secretary that the salable and surplus percentages for a particular crop year should be established pursuant to the provisions of § 993.59 (b), it shall also consider, formulate, and include in its marketing policy its recommendations as to terms and conditions, including pricing formulae, for the sale of surplus tonnage that may be disposed of pursuant to the provisions of § 993.63 (b) (2) and a compensating payment calculated to move the desired quantity of prunes in export in accordance with said § 993.63 (b) (2)

§ 993.42 Policy meeting. The committee shall hold its mitial policy meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than the third Tuesday in June preceding the beginning of such crop year. It shall hold another meeting in this connection not later than the following July 12 (except that, if such date should fall on a legal holiday, a Saturday, or a Sunday, not later than the following work day) for the purpose of reconsidering its original marketing policy for the ensuing crop year, including the consideration of the Secretary's tentative views in respect thereto, submitted pursuant to § 993.43. The committee shall submit to the Secretary, as promptly as practicable after the conclusion of this second policy meeting, a report showing any revisions or changes it desires to make in its marketing policy for the ensuing crop year as formulated at its first meeting, together with the supporting data and reasons therefor. In the event the committee has recommended that the salable and surplus percentages for the ensuing crop year should be established pursuant to the provisions of § 993.59 (b) the Secretary shall have the right to disapprove any terms and conditions, including pricing formulae and compensating payment, submitted by the committee pursuant to the provisions of § 993.41 (m), within seven calendar days after he receives in Washington, D. C., the committee's policy report developed at said second marketing policy meeting.

§ 993.43 Time of submission and Sccretary's tentative views. The original marketing policy report, together with any committee recommendation pursuant to § 993.41 (m) for any crop year shall be submitted to the Secretary within ten days after the policy meeting specified in § 993.42. The Secretary shall notify the committee of his tentative views in respect to the committee's marketing policy as soon as reasonably practicable after he receives the report thereon.

§ 993.44 Subsequent modifications or changes. In the event the committee subsequently determines that the marketing policy developed pursuant to § 993.42 should be modified or changed by reason of changes in economic or other conditions, it shall make such modification or change in the manner provided for above for the original formulation of a marketing policy, insofar as applicable, and shall submit promptly a report of such modified or changed marketing policy to the Secretary, along with the data which it considered in connection with the making of such medification or change: Provided, That, in case the salable and surplus percentages for the particular crop year were established pursuant to the provisions of § 993.59 (b), the Secretary shall notify the committee promptly of his views in regard to such modifications or changes, including any disapproval thereof.

§ 993.45 Notice. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying or changing a marketing policy. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. Copies of all such reports shall be maintained in the offices of the committee where they shall be available for examination by producers, dehydrators, and handlers.

GRADE AND SIZE REGULATIONS

§ 993.48 Receiving of natural condition prunes by handlers—(a) General. In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this section: Provided, That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators, unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation. so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture content prunes, as described in the exception in § 993.4 (b) in the poscession of a handler, shall be held separate and apart from any surplus prunes (including both standard and substandard prunes) held by him. If, and so long as, a handler commingles his salable prunes with any surplus prunes, this prohibition as to storage shall apply to the entire mass. In the event such high moisture content prunes are dried or dehydrated to a point where they are capable of being stored, without deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and to be subject to all of the conditions and restrictions of this subpart.

(b) Regulation. Continuing until such regulation is superseded by other regulations prescribed by the Secretary, no handler shall receive prunes from producers or dehydrators, other than as substandard prunes, unless they meet the minimum standards for natural condition prunes as set forth in § 993.97 (Ex-

hibit A).

(c) Superseding regulation. In case the committee should recommend to the Secretary that the minimum standards as to grade, as provided for in paragraph (b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, including information as to factors affeeting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superceding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, chall not be below the applicable minimum standards for grades of natural condition prunes as set forth in § 993.97 (Exhibit A) and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for cingle defects or classes of defects. Any superseding regulations issued by the Secretary shall subsequently be modified, suspended, or terminated, in case he finds that the pertinent facts and circumstances so warrant; and the committee, in submitting any recommendation therefor to the Secretary, shall, in each instance, submit to him the information and data on the basis of which such recommendation is made. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newepawers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall

give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

(d) Inspection. Each handler shall, at his own expense, cause an inspection to be made of prunes tendered to him by any producer or dehydrator. Prior to accepting any such tender of prunes as prunes meeting the applicable minimum standards for grades and sizes, each such handler shall obtain a certificate that the prunes meet the aforementioned requirements for standard prunes as established pursuant to, the provisions of paragraphs (b) or (c) of this section, and said handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, Califorma. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Any prunes so certified as meeting the applicable requirements shall be known and referred to as standard prunes.

(e) Substandard natural condition prunes—(1) Producer's or dehydrator's options. Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may. (i) At the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting; or (ii) by agreement between such producer and handler or dehydrator and handler, be received pursuant to the provisions of subparagraph (2) of this paragraph; or, (iii) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes. for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as, and be subject to, the same provisions respecting surplus prunes, as contained in §§ 993.59 through 993.63, and, except those referred to in subparagraph (2) of this paragraph, shall be held by a handler separate and apart from any standard prunes held by

(2) Equivalent quantity basis. In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions of this subpart, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes and held as such for the account of the committee: Provided, That any prunes so treated as substandard prunes shall be in conformity with the applicable requirements as set forth in subparagraph (3) of this paragraph and § 993.63 (f) No certificate of inspection on such substandard natural condition prunes so tendered shall be required pursuant to this section after a certificate of appraisal has been issued applicable to such prunes.

(3) Comparable size requirement of prunes treated as surplus substandard prunes. The weighted average size count of substandard prunes of a size count of 121 or less prunes per pound which are held for the account of the committee by a handler on the equivalent quantity basis prescribed in subparagraph (2) of this paragraph shall not exceed, by more than five prunes per pound, when delivered to the committee the weighted average size count of such offgrade prunes in appraisal lots as shown on the applicable certificates of appraisal issued to the handler for that crop year. The weighted average size count of substandard primes of a size count of 121 or less prunes per pound, which are turned over to a handler unsorted to be held by him as substandard prunes, for the account of the committee, shall be no greater when delivered to the committee than the weighted average size count of such offgrade prunes as shown on the applicable certificates of inspection issued to the handler for that crop year, except for such tolerance allowances in connection with shrinkage in weight as the committee may establish. Any substandard prunes of a size count of 122 or more prunes per pound, whether received as such or in appraisal lots, which are held for the account of the committee by a handler shall have no limitation with respect to the weighted average size count thereof when delivered to the committee: Provided, That such substandard prunes shall be treated as a size category separate and apart from any other substandard prunes held by the handler, and when delivered to the committee, the weighted average size count thereof shall not be averaged in with nor affect the weighted average size count of any other substandard prunes which the handler delivers to the committee.

§ 993.49 Regulation of the handling of prunes subsequent to their receipt by handlers—(a) General. In order to effectuate the declared policy of the act, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, except in accordance with the terms and conditions of this section.

(b) Regulation. Continuing until such regulation is superseded by other regulations prescribed by the Secretary except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(c) Superseding regulation. In case the committee should recommend to the Secretary that the minimum standards as to grade, as provided for in paragraph

(b) of this section, should be superseded by other minimum standards as to grades and sizes, it shall submit its recommendation to the Secretary together with the data and information upon which it acted in making such recommendation, including information as to factors affecting the supply of, and demand for, prunes by grades and sizes, and such other information as the Secretary may request. The Secretary shall issue such superseding regulation if he finds, upon the basis of the recommendation and supporting data submitted to him by the committee, or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grades, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A) and any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: Provided, That, at all times, the regulation shall be comparable so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

(d) Inspection. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the then applicable grade and size standards for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes, for any use unless they are specifically excepted in this section, if they do not meet such minimum standards. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum standards and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory.

(e) Exceptions to restrictions—(1) Inter-plant and inter-handler transfers. Notwithstanding the restrictions contained in paragraphs (b) or (c) of this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California without having any inspection made as provided for in paragraph (d) of this section, and any handler may ship prunes from his plant to another handler's plant within the State of California without having an inspection made as provided for in paragraph (d) of this section. A report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section.

(2) Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition. Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: Provided, That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and de-The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subparagraph, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained in this subparagraph, and submit it, or cause it to be submitted together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subparagraph without regard to the restrictions contained in paragraphs (b) (c). and (d) of this section.

§ 993.50 Regulation of the handling of prunes during any crop year when the estimated seasonal average price is in excess of parity—(a) Determination. If the Secretary should find that the estimated seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the

act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth in this section.

(b) Receiving of prunes by handlers. In lieu of the provisions set forth in § 993.48, a handler may receive any tender of prunes from a producer or dehydrator: Provided, That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. For the assistance of the committee in its supervision of operations under this section, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in § 993.97 (Exhibit A, paragraph C of subdivision I), and whether the prunes in the delivery meet the requirements of paragraph D of said subdivision I, the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the results of the inspection including the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(c) Disposition of prunes by handlers. In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without regard to the quality of prunes Such disposition shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth in this paragraph, and he shall obtain from the inspection agency a certificate that such prunes

meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and cartificate issued. A report of each interhandler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall. before shipping or otherwise making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this paragraph.

(d) Inspection agency. The inspection agency referred to in this section shall be the same as the inspection agency which is provided for in §§ 993.43 and §93.49

and 993.49.

(e) Assessments. In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.81 (a) each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.80 by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its authorized functions. In all other respects, the provisions of §§ 993.80 through 993.82 shall remain in full force and effect.

(1) Effective provisions. In any crep year while the provisions of this section are in effect, the provisions of §§ 932.11 through 993.45, §§ 993.71 through 993.77 and §§ 993.84 through 993.93 shall remain in full force and effect, except to the extent that they may be in conflict

with the provisions of this section or of the act.

SALABLE AND SURPLUS TONNAGE REGULATIONS

§ 993.59 Salable and surplus percentages—(a) Method of establishment. (1) After considering all available information and factors used in formulating the marketing policy, the committee, not later than the third Tuesday of June in any crop year, shall recommend to the Secretary the establishment of a salable percentage and a surplus percentage during the crop year for which the marketing policy is developed. The committee shall submit such recommendation to the Secretary within ten days after the initial policy meeting specified in § 993.42. The Secretary shall notify the committee promptly of his tentative views in respect to the committee's initial recommendation as to such percentages. The committee shall hold another meeting in this connection not later than the following July 12 (except that, if such date should fall on a legal holiday, a Saturday, or a Sunday, not later than the following work day) to reconsider its initial recommendations in the matter, including the Secretary's tentative views in respect to such initial recommendations. The committee shall submit to the Secretary as soon as practicable after the conclusion of this second meeting, a report showing any revisions or changes it desires to make in its initial recommendations on the matter, together with the supporting data and reasons therefor. Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to establish a salable percentage and surplus percentage of prunes for any crop year would tend to effectuate the declared policy of the act, he shall so establish such percentages. The total of the salable and surplus percentages fixed each crop year shall equal 100 percent. The salable and surplus percentages fixed for any crop year shall remain in full force and effect throughout the remainder of that crop year and during the following crop year until such percentages are fixed for the following crop year.

(2) The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of any such percentages made effective by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media.

(3) In addition, the committee shall give written notice by registered mail of the percentages made effective by the Secretary to all handlers of whom the committee has a record.

(b) Special conditions under which probable market requirements for prunes in foreign commerce may be excluded, in whole or in part, from the estimates upon which the salable percentage is based. In the event the committee determines that, based upon then existing conditions, the total estimated supply of prunes in any crop year will exceed the total probable market requirements in domestic and foreign commerce for such crop year,

to such an extent that to include all of such probable market requirements in the estimates upon which the salable percentage is based would not tend adequately to effectuate the declared policy of the act, the committee may recommend a salable percentage which excludes the estimated market requirements for prunes of any foreign country, or any group of foreign countries, designated by the committee in its recommendation: Provided, That the committee, in formulating its marketing policy, has determined that the market requirements for prunes of such country or group of countries, based on the factors expressed in paragraphs (f) (j) and (k) of § 993.41 and the projections derived therefrom, can be increased, to an extent sufficient to effectuate the declared policy of the act more adequately if such market requirements are supplied pursuant to the provisions of §§ 993.41 (m) and 993.63 (b) (2)

§ 993.60 Salable tonnage. The salable tonnage of prunes of a handler shall be the sum of the salable tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The salable tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the salable percentage to the quantity of prunes (including standard and substandard prunes) so delivered. plus any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the salable tonnage portion so computed exceeds the quantity of standard prunes delivered to the handler by the individual producer or dehydrator, it shall be reduced to the quantity of standard prunes so delivered. The handler may sell such salable tonage in any manner he deems advisable subject to the applicable requirements specified in §§ 993.48 and 993.49. No handler shall handle any quantity of prunes in excess of his salable tonnage, except such prunes as may be obtained from surplus tonnage as specified in § 993.63, and except as provided in paragraph (g) of § 993.61. In no event, however, shall a handler be prevented from handling salable tonnage acquired by him from another handler who has received such tonnage from producers, dehydrators, or other handlers in accordance with all the provisions of this subpart.

§ 993.61 Surplus tonnage—(a) Computation. The surplus tonnage of prunes of a handler shall be the sum of the surplus tonnage portions of the prunes delivered to the handler by individual producers and dehydrators. The surplus tonnage portion of prunes delivered to the handler by an individual producer or dehydrator shall be the tonnage resulting from the application of the surplus percentage to the quantity of prunes (including standard and substandard prunes) so delivered, less any tonnage of standard prunes delivered by such producer or dehydrator to the handler and covered by a diversion certificate; however, if the surplus tonnage portion so computed is less than the quantity of

substandard prunes delivered to the handler by the individual producer or dehydrator, it shall be increased to the quantity of substandard prunes so delivered. The committee shall authorize and permit a nonprofit cooperative agricultural marketing association, which has contractual authority to so pool the tonnage of its members, to concentrate the tonnage of its producer members before applying the surplus tonnage provision of this subpart.

(b) Holding and delivery. Each handler shall hold for the committee in proper storage, all surplus tonnage received by him until relieved of such obligation by the committee. The committee may, at any time, require a handler to deliver to it, or to anyone designated by it, at such handler's warehouse or at such other place as the prunes may be stored by the handler, surplus tonnage held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

(c) Substandard surplus prunes. Substandard prunes, except defective prunes referred to in § 993.49 (c) (2), shall be held separate from other prunes held by any handler. The committee shall dispose of substandard prunes as expeditiously as it is practicable to do so, in any manner designated by the committee which is not contrary to any provisions of this subpart for the disposition of substandard prunes.

(d) Storage facilities. The committee may rent and operate, or arrange for the use of, facilities for storage and handling of surplus tonnage.

(e) Exchange. The committee may establish methods and procedures, including compensating payments, for the exchange by handlers of salable tonnage prunes for surplus standard prunes held by or for the committee, of the various grades and sizes of prunes: Provided, however, That no such exchange shall be permitted of substandard prunes. Such transfers shall be on a negotiated basis.

(f) Payment for services. Handlers shall be paid for necessary services rendered by them in connection with surplus tonnage, including, but not limited to, receiving, storing, grading, and fumigating, in accordance with a schedule of payments established by the committee and approved by the Secretary. If any hander, prior to December 1 of the crop year, demands removal of such surplus tonnage by the committee, such handler automatically waives payment for any and all charges that may have accrued for storing such surplus tonnage, including in and out charges. When any demand for removal is made, the committee shall remove such surplus tonnage from said handler's possession as expeditiously as practicable, and in any event within 30 days following receipt of written notice.

(g) Deferment of obligation. The committee may defer, upon the written request of any handler and for good and sufficient cause, the fulfilling by such handler of his surplus tonnage obligation for a specified period ending not later than November 15 of the then

current crop year: Provided, That no handler shall dispose of any tonnage of standard prunes during such deferment period in excess of the tonnage he is authorized to handle as specified in § 993.60 plus the tonnage for which such handler holds purchase contracts with producers and dehydrators. As a condition to the granting of any such deferment, the committee shall require the handler to obtain and file with it a written undertaking that by the end of the deferment period he will have fully satisfied his obligation with respect to the holding or control by him of the surplus tonnage applicable to his receipts of prunes from producers and dehydrators. Such undertaking shall be secured by a bond or bonds to be filed with. and acceptable to, the committee, with surety or sureties satisfactory to the committee, running in favor of the committee and the Secretary, and for an amount computed on the basis of the then current market value of the prunes in the quantity for which the deferment is granted. The cost of such bond shall be borne by the handler filing same. Any sums collected through default of a handler on his bond shall, after reimbursement of the committee for any expenses incurred by it in effecting collection, be deposited with the funds obtained by it from the disposition of the surplus tonnage and disbursed by it to persons as set forth in § 993.63 (i) (2) In addition to the foregoing, the committee may establish other reasonable terms and conditions upon which such deferments may be granted.

§ 993.62 Diversion privileges. The word "prunes" as used in this section means plums of a variety used in the production of prunes. No producer shall be required to divert all or any portion of these prunes. Any producer may, if he chooses, participate to the extent set forth in this section, by diverting all or a portion of his production of prunes to nonhuman uses or may divert such prunes by leaving them unharvested, or may divert them to such other uses as may be approved by the committee, subject to the following terms and conditions:

- (a) The producer shall first make application in writing to the committee for permission to divert prunes, disclosing in such application whether such prunes are to be diverted to nonhuman use, whether they are to be left unharvested, or to what other use they are to be diverted, and describing in detail the location of such prunes or portion thereof.
- (b) If the committee approves such application, it shall estimate the amount of the production to be so diverted, on a draed weight basis, and shall advise the applicant, in writing, of its estimate of such dried production and of its approval of the application to divert, subject to satisfactory proof by the applicant that such prunes have actually been diverted as stated in his application.
- (c) After receipt by the committee of satisfactory proof of such diversion, the committee shall issue to the applicant and made out in his name, a certificate of

salable tonnage or diversion certificate for the dried weight of such prunes equal to the salable percentage as applied to the estimated dried production.

(d) Such diversion certificate shall not be transferable to another producer, or a handler, or any other person, except with the approval of the committee, evidenced by its endorsement of approval on the certificate.

- (e) A certificate of salable tonnage or diversion certificate, so issued, shall entitle a producer to deliver to a handler, and a handler to receive, the specified dried weight of prunes free from all surplus set aside requirements in addition to the portion of all of such producer's delivery which would otherwise constitute salable tonnage, and shall entitle a handler, upon presentation of such certificate to the committee to satisfy his surplus tonnage requirements to the extent of the dried weight of prunes specified in such certificate.
- (f) Any producer who diverts prunes pursuant to the provisions of this section and any other holder of diversion certificate, shall not be entitled to participate in the proceeds of the surplus tonnage for any prunes so diverted.
- (g) Prior to the delivery of the diversion certificate to the producer, he shall pay to the committee the reasonable expense assessed by the committee for examining, estimating, weighing, or otherwise supervising the diversion.
- § 993.63 Disposition of surplus tonnage—(a) Sales to United States Government and foreign governments. (1) The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.
- (2) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell to any foreign government, surplus prunes pursuant to this paragraph, compete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.
- (b) Sales for export—(1) Countries included in estimate of salable percentage. In the event it appears that the total salable tonnage is not, or will not be, sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were included in the estimates upon which the salable percentage was based, to a greater extent than was anticipated at the time the salable percentage was recommended to the Secretary, the committee may offer to sell, and sell, to handlers for resale, surplus standard prunes sufficient to meet such deficiency in the salable tonnage. The quantity of prunes included in any offer to sell to individual handlers shall be in such proportion as the com-

mittee determines will effect equity among all handlers. Prior to making any offer, the committee shall determine the price at which the prunes included in such offer shall be sold, taking into consideration factors and conditions affecting the marketing of prunes at the time of such offer and establishing a price consistent with such factors and conditions.

(2) Countries not included in estimate of salable percentage. In any crop year in which the estimated market requirements of a foreign country or group of foreign countries are excluded from the estimates upon which the salable percentage is based, the committee shall offer to sell, and sell, to handlers, a quantity of surplus standard prunes not greater than the aggregate quantity of standard prunes, and standard processed prunes calculated on the basis of natural condition weight, sold and shipped by all handlers for use in or shipment to such country or group of countries during such crop year. At the end of each month, or at the end of any period shorter than a month that the committee may establish, to the extent that surplus standard prunes are available and uncommitted, the committee shall offer a quantity thereof equivalent to the aggregate quantity of standard prunes, and standard processed prunes calculated on the basis of natural condition weight, sold by all handlers for use in or shipment to such foreign country or group of foreign countries during the period just ended. Any cancellation of a sale in or for shipment to such foreign country or group of foreign countries shall be adjusted in the period in which such cancellation occurs, or as soon thereafter as is reasonably practicable, by reducing the quantity of prunes subsequently offered by the quantity of prunes included in such cancelled sale. In any offer by the committee to sell surplus standard prunes to handlers pursuant to this subparagraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the total surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of such offer, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares: Provided. That unless otherwise authorized by the committee the total quantity of prunes that may be offered hereunder to an individual handler shall not exceed the total quantity of uncommitted surplus standard prunes held by him for the account of the committee at the time of the offer. Any such sales to handlers shall be made in accordance with the established terms and conditions, including pricing formulae, which are in effect at the time of the sale. The committee shall withhold from the proceeds from each pound of prunes it sells hereunder to handlers for each period an amount equal to that established by the committee as the compensating payment calculated for that period to be paid

to handlers for supplying the market requirements of a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage for such crop year was based. The total amount of money distributed among handlers as compensating payments for such period shall be limited to the funds so withheld from the proceeds of the surplus standard prunes sold hereunder to handlers for such period. Such funds shall be allocated equitably among handlers in accordance with terms and conditions established by the committee. Handlers who have purchased their full shares of the surplus standard prunes offered for such period shall have priority in such allocation over handlers who shall have failed to purchase their full shares of such offer. No handler shall be compensated at a rate greater than that established as the compensating payment for such period. In the event the rate of such compensation to any handler is less than that established as the compensating payment for such period, the committee shall release to such handler, in lieu of money and for use as salable tonnage, a quantity of surplus standard prunes held by him for the account of the committee sufficient to rectify the deficiency in the rate paid to such handler, the value of the surplus standard prunes so released to be established on the basis of the price at which such prunes were offered during such period. The compensating payments, applicable to any prunes sold by any handler for shipment to or use in a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage was based, shall not be made until satisfactory proof of the shipment of such prunes has been furnished to the committee. The committee shall establish for each period a final date before which the shipment of prunes so sold during such period shall be made in order for the handler making the sale thereof to qualify for the compensating payment applicable thereto: Provided, That the committee shall not establish any such date for any period during a crop year that will permit a handler to ship any such prunes later than July 31 of such crop year and to qualify for the compensating payment for such period. The maximum quantity of prunes for which a handler shall be entitled to receive compensating payments hereunder during any crop year shall be limited to the total quantity of surplus standard prunes, received from producers and dehydrators during such crop year and held by him for the account of the committee, uncommitted to anyone other than to him: Provided, That in the event that the committee shall have given such handler specific authority to sell, for shipment during such crop year to a foreign country or group of foreign countries excluded from the estimates upon which the salable percentage was based, a quantity of standard prunes, or standard processed prunes, in excess of such uncommitted surplus standard prunes so received and held by him, he shall be entitled to receive compensating payments applicable

thereto after qualifying hereunder for such compensating payments.

(3) Countries estimated to have no probable market requirements. In case a handler, during any crop year, sells a quantity of prunes for shipment to and for use in a foreign country which, at the time the salable and surplus percentages for such crop year were recommended, the committee estimated would have no probable market requirement, the committee may, upon adequate proof of such sale, offer to sell, and sell, to such handler a quantity of surplus standard prunes, held by him for the account of the committee, and uncommitted, equivalent to the quantity so sold for use in such foreign country calculated on the basis of natural condition weight. Prior to making any offer, the committee shall determine the price at which the prines included in such offer shall be sold, taking into consideration the price received for the quantity of salable tonnage prunes sold for use in such country by the handler, together with other factors and conditions affecting the marketing of prunes at the time of such offer. The committee may also sell direct to such a foreign market surplus standard prunes or surplus standard processed prunes for use in the foreign country in which such market develops if it determines that the sale cannot reasonably be made by handlers from salable tonnage. Any such direct sale by the committee may be made at a negotiated price.

(4) Notice to Secretary of proposed sales for export. The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (3) of this paragraph, surplus standard prunes or surplus standard processed prunes pursuant to this paragraph, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period the making of such an offer or any term or condition thereof. No such notice of individual offers under subparagraph (2) of this paragraph shall be required, but the committee shall keep the Secretary currently informed in respect there-

(c) Sales for animal feed and certain manufacturing uses. The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in estimating the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(d) Sales to handlers—(1) Authorization under specified supply conditions. If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable ton-

nage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes, and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may, in either event, sell to handlers standard prunes from he surplus tonnage for use as salable tonnage, subject to the additional conditions set forth in subparagraphs (2), (3), (4), (5) and (6) of this paragraph.

(2) Authorized commencement date. No such sale shall be made prior to December 15 of the crop year.

(3) Quantity limitation. No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage.

(4) Prices. If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(5) Pro rata shares and termination of offers. In any offer by the committee to sell surplus tonnage to handlers pursuant to this paragraph, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply.

(6) Notice to Secretary of proposed sales to handlers. The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this paragraph, complete information with respect thereto, including the basis therefor. The Secre-

tary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(e) Sales of standard prunes for manufacturing purposes—(1) Manufacturing outlets included in estimate of salable percentage. In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.73, plus accrued charges for receiving and storing of surplus tonnage.

(2) Manufacturing outlets not included in estimate of salable percentage. The committee may offer to sell, and sell, to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimates upon which the salable percentage was based either because it was considered to have no probable market requirement or because it was not considered in any way by the committee, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

(3) Notice to Secretary of proposed sales of standard prunes for manufacturing purposes. The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either subparagraph (1) or subparagraph (2) of this paragraph surplus standard prunes to handlers pursuant to this paragraph, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such sevenday period, the making of such offer or any term or condition thereof.

(f) Sales of substandard prunes for animal feed and for manufacturing purposes. Except as provided in the next two succeeding sentences of this paragraph, the committee may sell direct, or sell to handlers for resale, substandard prunes for animal feed, and for any manufacturing purpose in which such prunes

will lose their form and character as prunes by conversion prior to consumption: Provided, That any such prunes which are sold for disposition for manufacturing purposes for human con-sumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in § 993.97 (Exhibit A) as relate to the defects of mold, imbedded dirt, insect infestation, and decay, and any such prunes so sold by the committee to aperson who is not a handler shall meet those quality standards at the time of disposition by the committee. Whenever a certificate of inspection applicable to prunes turned over to a handler unsorted by a producer or dehydrator to be held by such handler as substandard natural condition prunes for the account of the committee pursuant to the provisions of § 993,48 (e) (1) (iii) shows that such prunes fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) when considered in terms of the entire lot, as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, such prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption. Whenever a certificate of appraisal issued pursuant to the provisions of § 993.48 (e) (2) shows that if the quantity of substandard prunes to which such certificate applies were to have all offgrade prunes removed therefrom such offgrade prunes would fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) as they relate to the defects of mold, imbedded dirt, insect infestation, and decay, a quantity of prunes equivalent to the weight of such offgrade prunes necessary to be removed from the total tonnage shown on the applicable certificate in order for the remainder to be standard prunes shall be sold or disposed of by the committee only to persons who are not handlers of prunes and only for disposition as animal feed, for distillation, or for any use other than for human consumption. No sales of substandard prunes for manufacturing purposes for human consumption shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that substandard prunes are disposed of for the respective uses for which they were sold. All such sales may be made at negotiated prices.

(g) Donations of surplus prunes. The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(h) Unsold surplus tonnage. The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing

channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in paragraph (d) (5) of this section. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(i) Proceeds of sales of surplus tonnage—(1) Charges against proceeds. Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of

sales of surplus tonnage.

(2) Distribution of net proceeds. Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

 Prohibition against the hypothecation of surplus. In no event shall the committee hypothecate surplus tonnage.

(k) Hypothecation of binding written contracts for the sales of surplus prunes. The committee may hypothecate binding written contracts for the sale of surplus prunes, for the purpose of ob-taining funds for the distribution of proceeds of the sales of surplus tonnage prunes in accordance with the provisions of subparagraph (2) of paragraph (i) of this section: Provided, There are included in, and made a part of, the loan agreement in connection with each such loan the following terms and conditions: (1) The recourse of the lender shall be confined to the particular sale contract, or the proceeds which are derived therefrom; (2) neither the Secretary, the committee, any of the committee's members, alternate members, officers, employees, and agents, nor any distributees as such (including their respective officers and employees) of the loan proceeds, shall be liable for the repayment, either in whole or in part, of the particular loan; and (3) the lender waives any right which he might otherwise have, in case of default in repayment, to obtain either possession or control of the surplus prunes involved.

REPORTS AND EOOKS AND OTHER RECORDS

§ 993.71 Confidential information. All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be

received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwith standing the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this subpart.

§ 993.72 Reports of acquisitions, sales, uses, and shipments. Each handler shall file such reports of his acquisitions, sales, uses, and shipments of prunes, as may be requested by the committee.

§ 993.73 Reports of prices. Each handler shall file with the committee such price reports as may be requested by the committee, showing the weighted average price paid by such handlers to producers and dehydrators for each size of prunes and the quantity purchased at each such price, to enable the committee to determine the average price received by producers for the purposes set forth in § 993.63.

§ 993.74 Reports of surplus tonnage. Each handler shall file with the committee such reports of the total substandard prunes and other surplus tonnage by grade and size classifications thereof, held in his warehouses or under his control and the location thereof, as may be requested by the committee.

§ 993.75 Other reports. Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this subpart.

§ 993.76 Records. Each handler shall maintain such records of prunes received, held, and disposed of by him as are prescribed by the committee and needed by it to perform its functions under this subpart.

§ 993.77 Verification of reports. For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the committee, through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

§ 993.80 Expenses. The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other surposes as the Secretary may, pursuant to the provisions of this subpart, deternine to be appropriate. The recomnendation of the committee as to these expenses and the recommended rate of ssessment for each crop year, together

with all data supporting such recommendations, shall be filed with the Secretary not later than the fourth Tuesday of July preceding the crop year in connection with which such recommendations are made.

§ 993.81 Assessments—(a) Requirement for payment and rate of assessment. The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments. Each handler shall pay to the committee, upon demand, with respect to all salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, his pro rata share of such expenses which the Secretary finds will be incurred as aforesaid, by the committee during each crop year. Each handler's pro rata share of such expenses shall be equal to the ratio between the total salable tonnage handled by him as the first handler thereof plus the tonnage sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the applicable crop year, and the total salable tonnage prunes handled by all handlers as the first handlers thereof plus tonnage sold to such handlers from surplus tonnage for resale to other than Federal governmental agencies, during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all salable tonnage prunes handled by handlers as the first handlers thereof and on all tonnage sold to handlers from surplus tonnage for resale to others than Federal governmental agencies during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions under this subpart.

(b) Advance payments. In order to provide funds to carry out the functions of the committee, the committee may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) Use and refund of excess funds from assessments. Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new

crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, tho aforesaid excess, as verified by audit, to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said previous crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

(d) Suits for collection. The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's assessment.

§ 993.82 Funds. All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes authorized in this subpart and shall be accounted for in the manner provided for in this subpart. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

MISCELLANEOUS PROVISIONS

§ 993.84 Personal liability. No member or alternate member of the committee, or any employee, representative, or agent thereof shall be held personally with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 993.85 Separability. If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 993.86 Derogation. Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 993.87 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 993.88 Agents—(a) Authorization by Secretary. The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his

agent or representative in connection with any of the provisions of this subpart.

(b) Authorization by committee. The committee may authorize any person or persons or agency to act as its agent or representative in connection with the provisions of this subpart.

§ 993.89 Effective time. The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in § 993.90.

§ 993.90 Termination or suspension—(a) Failure to effectuate policy of act. The Secretary may, at any time, terminate the provisions of this subpart, by giving at least one day's notice by means of a press release or in any other manner which he may determine. The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to ef-

fectuate the declared policy of the act.
(b) Referendum. The Secretary shall terminate the provisions of this subpart on or before the fifteenth day of July of any crop year, to be effective at the end of such crop year, whenever he is required to do so by the provisions of section 8c (16) (B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, beginning with 1951, if the Secretary receives a recommendation, adopted by at least a majority vote of the producer members of the committee, requesting the holding of such a referendum, the Secretary shall hold such a referendum: Provided, That the Secretary shall not be required to hold such a referendum upon the basis of such a request more than once every two years.

(c) Termination of act. The provisions of this subpart shall terminate, in any event, upon the termination of the

§ 993.91 Procedure upon termination. Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustee shall require the concurrence of a majority of the said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time. account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct: and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claim vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

§ 993.92 Effect of termination or amendment. Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendement to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter rise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 993.93 Amendments. Amendments to this subpart may be proposed from time to time, by any person or by the committee, and may be made a part of this subpart by the procedures provided under the act.

§ 993.97 Exhibit A, minimum stand-

I. Minimum standards for natural condition prunes:

A. Defects. Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) cliin or flech damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. Explanation of terms. (1) "Off-color" means a duli color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit

of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwice inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (3") but not more than one-half of one inch (4") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the exent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this tection, aggregating more than three-eighths of one inch (%") in length;

(b) Splits or akin breaks expealing flesh and affecting materially the normal appearance of the prunes.

(c) Any cracks, splits or breaks open to the

(d) Healed or unhealed surface or flesh blemishes caused by incect injury and which materially affect appearance, edibility or

keeping quality;
(e) Skin damage caused by rain or over-dipping to the extent that the prunes cannot be processed normally without material sloughing of the skin.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (%") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (%") in diameter.
(7) "Burned" means injury by sunburn or

excessive heat in dehydration to the extent

that the characteristic appearance, flavor or calibility of the fruit is noticeably aliceted.
(8) "Mold" means a characteristic fungus

growth and is celf-explanatory.
(9) "Imbedded dirt" means the precence of dirt or other extraneous material co imbedded in, or adhering to, the prune that it cannot be removed in normal processing.

(10) "Insect infestation" means the presence of incects, incect fragments or incert

remains.

C. Maximum tolerances. Tolerance allowances chall be on a weight basis and shall not exceed the following:

(1) The telerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, okin or flesh damage, scab, tion, and decay shall not exceed eight percent (8"). burned, mold, imbedded dirt, insect infesta-

(4) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, ceab, burned, mold, imbedded dirt, inrect infectation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value. (5) The combined tolerance allowance for

off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, incect infestation, and decay shall not exceed twenty percent (20%), except that the first eight par-cent (8°) of end cracks shall be given onehalf value and any additional percentage of

end cracks shall be given full value.

(6) Prunes showing obvious live insect infestation shall be fumigated prior to

acceptance.

D. Natural condition prunes must be proverly dried and cured in original natural condition, without the addition of water, and free from active infectation, so that they are capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed

prunes:

A. Defects. Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) ccab; (7) burned; (8) mold; (9) imbedded

dirt; (10) insect infestation; (11) decay.

B. Explanation of terms. (1) "Off-color" means a dull color or thin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit

of a given variety or type.
(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substan-

tially affected.
(3) "Ead cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eights of one inch ") but not more than one-half of one

inch (12") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Sidn or flech damage" means growth cracks, oplits, breaks in skin or fissh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eights of one inch (%") in length:

(b) Splits or clin breaks exposing flech and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and walch materially affect appearance, edibility or

keeping quality.
(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (%") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (%") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.
(8) "Mold" means a characteristic fungus

growth and is self-explanatory.
(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be readily removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect

remains.

C. Maximum tolerances. Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay

shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for

fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty per-cent (20%), except that the first eight percent (8%) of end cracks shall be given onehalf value and any additional percentage of end cracks shall be given full value.

[F. R. Doc. 53-10875; Filed, Dec. 31, 1953; 8:47 a. m.]

[7 CFR Part 993]

[Docket No. AO 201-A2]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS OF PRUNE PLUMS IN CALIFORNIA FOR DRYING OR DE-HYDRATING INTO DRIED PRUNES IN SAID STATE; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINING THE REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1952 through July 31, 1953 (which is hereby determined to be a representative period for the purpose of this referendum) were engaged, in the State of California, in the growing of prune plums for the production, for market, of dried prunes to determine whether such producers approve or favor the issuance of a further amended order regulating the handling of dried prunes produced in California, said order, as proposed to be amended, being annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to this refer-

endum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders

(Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F R. 5176).

W. Allmandinger, R. G. Rush, G. R. Eastman, and Hugh Ross, of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: The Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., the office of the Pruno Administrative Committee, No. 2 Pino Street, San Francisco 11, California; the San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, 1000 Geary Street, San Francisco 9, California; and the county Agricultural Stabilization and Conservation office in each of the prune producing counties in California.

Ballot forms for use in the referendum may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1000 Geary Street, San Francisco 9. California, and the county Agricultural Stabilization and Conservation office in each of the prune producing counties in California.

Done at Washington, D. C., this 28th day of December 1953.

JOHN H. DAVIS. Assistant Secretary of Agriculture. [F. R. Doc. 55-10874; Filed, Dec. 31, 1953;

8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 1, Amdt. 4; Region II] [Order No. 46, Amdt. 4; Region III] [Order No. 9, Amdt. 4; Region IV] [Order No. 24, Amdt. 4; Region V]

SPECIFIED CLASSES OF EMPLOYEES REDELEGATIONS OF AUTHORITY

NOVEMBER 2, 1953.

Section 2.21 of each of the above mentioned orders is amended to read as follows:

SEC. 2.21 Classification of lands. The Regional Chief, Division of Lands, and the Managers of Land Offices when specifically designated by the Regional Administrator, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315f) or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize. Such designations

must be published in the FEDERAL REG-ISTER.

EDWARD WOOZLEY, Director

Approved: December 24, 1953.

RALPH A. TUDOR.

Acting Secretary of the Interior

[F. R. Doc. 53-10860; Filed, Dec. 31, 1953; 8:45 a. m.]

[Order No. 100, Amdt. 5: Region II] SPECIFIED CLASSES OF EMPLOYEES REDELEGATION OF AUTHORITY

NOVEMBER 2, 1953.

Section 2.21 is amended to read as follows:

SEC. 2.21 Classification of lands. The Regional Chief, Division of Lands and Minerals, and the Managers of Land Offices when specifically designated by the Regional Administrator,

may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize. Such designations must be published in the FEDERAL REGISTER.

> EDWARD WOOZLEY. Director

Approved: December 24, 1953.

RALPH A. TUDOR.

Acting Secretary of the Interior

[F. R. Doc. 53-10861; Filed, Dec. 31, 1953; 8:45 a. m.l

Office of the Secretary

[Order No. 2508, Amdt. 6]

BUREAU OF INDIAN AFFAIRS DELEGATIONS OF AUTHORITY

Order No. 2508, as amended (14 F R. 258-260; 16 F. R. 473, 474; 16 F. R. 11620;

¹See F. R. Doc. 53-10875, supra.

16 F. R. 11974; 17 F. R. 1570; and 17 F. R. 6418) is further amended as follows, to authorize the Commissioner of Indian Affairs to exercise the authority of the Secretary in relation to the classes of matters indicated.

1. Two new paragraphs (r) and (s) reading as follows, are added to section 11 Funds and fiscal matters:

(r) Expenditures from miscellaneous revenues for the benefit of tribes, agencies, and schools on whose behalf they are collected, pursuant to the act of May 17, 1926 (44 Stat. 560; 25 U. S. C., 1946 ed., sec. 155) as amended by the act of June 13, 1930 (46 Stat. 584; 25 U.S.C., 1946 ed., sec. 161b) and as extended by the act of February 20, 1942 (56 Stat. 95; 48 U. S: C., 1946 ed., sec. 50f)

(s) The acceptance of contributions or donations of funds or other property, real, personal, or mixed, which may be tendered to, or for the benefit of, Federal Indian schools, hospitals, or other institutions conducted for the benefit of Indians, or for the advancement of the Indian race, and to apply or dispose of such donations for the use and benefit of such school, hospital, or other institution or for the benefit of individual Indians, pursuant to the act of February 14, 1931 (46 Stat. 1106; 25 U.S. C., 1946 ed., sec. 451)

2. A new paragraph, numbered (w) and reading as follows, is added to section 13 Lands and minerals:

(w) The sale of houses, including outbuildings, for use in connection therewith, constructed pursuant to the act of March 28, 1908 (35 Stat. 51) as amended, which are no longer required for continuing operations on the Menominee Indian reservation pursuant to the said act.

RALPH A. TUDOR, Acting Secretary of the Interior DECEMBER 24, 1953.

[F. R. Doc. 53-10863; Filed, Dec. 31, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION AND DELEGATION OF AUTHORITY

The actions herein are pursuant to authority delegated to the Administrator. Agricultural Marketing Service, by the Secretary of Agriculture.

FUNCTIONS AND RESPONSIBILITIES

Section 1. General. The Agricultural Marketing Service, hereinafter referred to as "AMS," is responsible for the marketing and distribution functions of These consist of the Department. marketing research and related statistical and economic research, marketing services and regulatory activities, school lunch program, and food distribution activities, including those under section 32 (7 U. S. C. 612c) and the Defense Production Act.

Sec. 2. The Office of the Administration-(a) The Administrator. The Administrator is responsible for the general direction and supervision of AMS. He reports to the Assistant Secretary for Marketing and Foreign Agriculture.

(b) Deputy Administrator Marketing Research and Statistics. The Deputy Administrator for Marketing Research and Statistics is responsible for

(1) Assisting the Administrator in the over-all planning and administration of all programs and activities of AMS, and

(2) Planning and administering a program for research and development relating to agricultural marketing and distribution, for analyses relating to farm prices, income and population, and demand for farm products, and for crop and livestock estimates.

(c) Deputy Administrator, Marl:cling Services. The Deputy Administrator for Marketing Services is responsible for

(1) Assisting the Administrator in the over-all planning and administration of all programs and activities of AMS, and

(2) Directing and coordinating the administration of marketing services (inspection, classing, grading, standardization and market news) regulatory activities, food distribution, surplus removal and related programs and activities, including those specifically assigned under section 5 hereof, and

(3) Administering the U.S. Ware-house Act, section 201 of the Agricultural Adjustment Act of 1938, and section 203 (j) of the Agricultural Marketing Act

of 1946.

(d) Assistant Administrator for Management. The Assistant Administrator for Management is responsible for:

(1) Participating with the Adminis-trator, Deputy Administrators, and other key staff members, in the over-all planning and administration of all programs and activities of AMS, with particular respect to the management aspects, and

(2) Formulating, directing, coordinating and integrating the over-all management, budget, fiscal, personnel, and administrative services activities to meet the requirements of the marketing and distribution programs of AMS.

Sec. 3. Staff Assistants—(a) Liaison Office, Commissioners of Agriculture. This office is responsible for

(1) Providing leadership and consulting services to assist States in the development of sound marketing service projects and coordinating similar lines of work between States.

(2) Reviewing and approving projects proposed by the State Departments of Agriculture and Bureaus of Markets under matching funds provisions of the Agricultural Marketing Act of 1946.

(b) Chairman, Outlook and Situation Board. The Chairman of the Outlook and Situation Board is responsible for (1) Acting as Chairman of the Outlook

and Situation Board, and

(2) Providing for the technical review and approval of all economic Outlook and Situation reports prepared within the Department.

(c) Statistical Clearance Office. The Statistical Clearance Office is responsible

(1) Reviewing and clearing all forms, survey plans, and reporting requirements originating in the Department and requiring Bureau of the Budget approval,

(2) Providing liaison for coordination of statistical matters,

(3) Providing consultation services on statistical techniques,

(4) Evaluating the merits of alternative statistical methods, and developing new methods.

Sec. 4. Marketing Research and Statistics. The Agricultural Economics, Agricultural Estimates, and Marketing Research Divisions, under the supervi-sion and direction of the Deputy Administrator for Research and Statistics, are responsible as follows:

(a) Agricultural Estimates Division. The Agricultural Estimates Division is

responsible for

(1) Collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing economic and statistical data relating to agriculture and food (including the cold storage report)

(2) Computing the parity index and determining and publishing parity prices for agricultural commodities,

(3) Reporting monthly on farm em-

ployment and wage rates, and
(4) Administering the Peanut Statistics Act and the Turpentine and Rosm Statistics Act.

The Division Director will act as Chairman of the Crop Reporting Board.

(b) Agricultural Economics Division. The Agricultural Economics Division is responsible for

(1) Administering the broad aspects of an economic analysis program within the AMS, and

(2) Performing research and statistical analysis dealing with meome and prices, demand, supply and consumption of farm products, farm population and rural life, and agricultural history.

(c) Marketing Research Division. The Marketing Research Division is responsible for planning and directing in cooperation with private, State, and other Federal agencies, a research program on marketing of agricultural products in order to maintain quality, reduce distribution costs, and expand outlets. These activities, including closely related development work, deal with the assembly, transportation, storage, handling, warehousing, packaging, dis-tributing and pricing of farm products, and the structure and organization of domestic markets for them.

Sec. 5. Marketing and Regulatory Services. The Commodity and Food Distribution Divisions and the U.S. Warehouse Act and Freight Rate Services Branches, under the supervision and direction of the Deputy Administrator for Marketing Services, are responsible as follows:

(a) Commodity Divisions. The Commodity Divisions, consisting of Cotton Division, Dairy Division, Fruit and Vegetable Division, Grain Division, Livestock Division, Poultry Division, and Tobacco Division, shall have responsibility for

(1) Providing technical guidance to and initiating recommendations for the Deputy Administrator in the formulation of programs, policies, procedures, and modifications thereof, for final action by the Administrator, in connection with marketing, purchase, diversion, export,

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and distribution programs, and assisting in the administration thereof;

(2) Conducting service and informational programs in connection with inspection, grades and standards, market news, and other programs to effect improvement in marketing of farm products;

(3) Administering agricultural marketing agreement and order programs and other regulatory acts as assigned;

(4) Administering, in addition to the general responsibilities assigned to the Commodity Divisions and such other functions as may be assigned to them by the Deputy Administrator, the following as specifically assigned:

Cotton Division. (i) Cotton Futures Act.

(ii) Cotton Standards Act.

(iii) Cotton Grade and Staple Statistics Act, including Amendatory Acts:

(a) Smith Doxey Act.

(b) Cotton Service Testing Act.

Darry Division. (i) Federal Milk Marketing Orders under the Agricultural Marketing Agreement Act of 1937.

Fruit and Vegetable Division. Standard Container Acts.

(ii) Produce Agency Act.

- (iii) Perishable Agricultural Commodities Act.
 - (iv) Export Apple and Pear Act.
- (v) Marketing Agreements and Orders under the Agricultural Marketing Agreement Act of 1937.

Grain Division. (i) U.S. Grain Standards Act.

(ii) Federal Seed Act.

Livestock Division. (i) Packers and Stockyards Act.

(ii) Wool Standards Act.

Tobacco Division. (i) Tobacco Stocks and Standards Act.

(ii) Tobacco Inspection Act.

(iii) Tobacco Seed and Plant Exportation Act.

(iv) Naval Stores Act.

- (v) Marketing Agreements and Orders under the Agricultural Marketing Agreement Act of 1937.
- (b) Food Distribution Division. The Food Distribution Division is responsible for:
- (1) Administering the National School Lunch Program,
- (2) Planning the distribution of commodities in connection with surplus removal programs, the National School Lunch Program, and section 416 of the Agricultural Act of 1949,

(3) Directing food preservation activities,

- (4) Increasing the use of plentiful foods, and
- (5) Acting as food claimant agent for U. S. civilians and liaison with Federal Civil Defense Administration on food distribution work.
- (c) U. S. Warehouse Act and Freight Rate Services Branches. The U.S. Warehouse Act Branch shall have responsibility for administering the U.S. Warehouse Act, and the Freight Rate Services Branch shall have responsibility for administering section 201 of the Agricultural Adjustment Act of 1938 and section 203 (j) of the Agricultural Marketing Act of 1946, in addition to such other functions as may be assigned to them by the Deputy Administrator.

Sec. 6. Management Services. The Budget and Finance, Personnel, and Administrative Services Divisions, and the Area Administrative Offices, under the supervision and direction of the Assistant Administrator for Management, are responsible as follows:

(a) Budget and Finance Division. The Budget and Finance Division is respon-

sible for

(1) Planning and administering a budgetary and fiscal program to meet the requirements of AMS activities, and

- (2) Developing and assisting in establishing required controls with respect to apportionments, obligations and expenditures of available funds.
- (b) Personnel Division. The Personnel Division is responsible for planning and administering the organization, classification, employment, employee relations, training, safety, and investigational phases of a personnel program to meet requirements of AMS activities.

(c) Administrative Services Division. The Administrative Services Division is

responsible for

- (1) Planning and administering procurement, property management, records management, real estate, space and equipment management activities to meet requirements of AMS programs,
- (2) Approving, for administrative feasibility and for compliance with governing rules and regulations, contracts for research work under the Agricultural Marketing Act of 1946, and

(3) Administering a procedural issuance system, a forms control, and a reports and administrative analysis

program.

(d) Area Administrative Offices. Area administrative offices are responsible for planning and conducting administrative services, personnel, and fiscal activities as assigned within the framework of broad delegated authority for AMS within assigned geographic or functional areas.

DELEGATION OF AUTHORITY

SEC. 7. Deputy Administrators. Under the supervision and direction of the Administrator, the Deputy Administrator, Marketing Research and Statistics. and the Deputy Administrator, Marketing Services, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which are now, or which may hereafter be, vested in the Administrator. The authority herein conferred upon each Deputy Administrator shall be exercised by each of such officers in connection with the programs and activities of the Agricultural Marketing Service assigned to the respective Deputy Administrator's direction and supervision. The authority granted herein may also be exercised in the discharge of any additional functions which the Administrator may assign.

Sec. 8. Assistant Administrator for Management. Under the direction and supervision of the Administrator, the Assistant Administrator for Management is hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation) which are now. or which may hereafter be, vested in the Administrator, with respect to formulating, directing, coordinating, and integrating the over-all management, budget, fiscal, personnel, and administrative services activities to meet the roquirements of AMS.

Sec. 9. Staff Assistants. Under the supervision and direction of the Administrator, and in connection with the respective functions herein assigned to each of them, the officers in charge of the Liaison and the Statistical Clearance Offices, and the Chairman, Outlook and Situation Board, are hereby delegated authority to perform all the duties and to exercise all the powers and functions of the Administrator.

Sec. 10. Marketing Research and Statistics Divisions. Under the supervision and direction of the Deputy Administrator, Marketing Research and Statistics, and in connection with the respective functions herein assigned to each of them, the Directors of the Marketing Research and Statistics Divisions are hereby authorized to perform all of the duties and to exercise all the powers and functions which the officials of the Bureau of Agricultural Economics, the Production and Marketing Administration, and the Agricultural Research Administration were authorized and empowered to perform in connection with said functions at the time of their transfer to AMS.

Sec. 11. Marketing Services Divisions. Under the supervision and direction of the Deputy Administrator, Marketing Services.

(a) The Directors of the Cotton Division, Dairy Division, Fruit and Vegetable Division, Grain Division, Livestock Division, Poultry Division, Tobacco Division, and Food Distribution Division are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all of the powers and functions which the respective Directors of the Cotton Branch, Dairy Branch, Fruit and Vegetable Branch, Grain Branch, Livestock Branch, Poultry Branch, Tobacco Branch, and Food Distribution Branch of the Production and Marketing Administration were authorized and empowered to perform in connection with said functions at the time of their transfer to AMS, and

(b) The Director of the Fruit and Vegetable Division is hereby delegated authority to perform all the duties and to exercise all the powers and functions which the Director of the Sugar Branch, Production and Marketing Administration, was authorized and empowered to perform in connection with market news and grades and standards at the time of the transfer of such functions to AMS.

SEC. 12. Management Services Divisions. Under the supervision and direction of the Assistant Administrator for Management and in connection with the respective functions herein assigned to each of them, the Directors of the Budget and Finance Division, Administrative Services Division, and the Personnel Management Division, are hereby delegated the authority to perform all the

duties and to exercise all the functions and powers (including the power of redelegation) which are herein delegated or assigned to the Assistant Administrator for Management.

SEC. 13. U.S. Warehouse Act and Freight Rate Services Branches. Under the supervision and direction of the Deputy Administrator, Marketing Services, and in connection with the respective functions herein assigned to each of them, the Chiefs of the U.S. Warehouse Act Branch and the Freight Rate Services Branch are hereby delegated authority to perform all the duties and to exercise all of the powers and functions which the respective chiefs of the U. S. Warehouse Act Division and the Traffic Management Division of the Transportation and Warehousing Branch, Production and Marketing Administration, were authorized and empowered to perform in connection with said functions at the time of their transfer to AMS.

SEC. 14. Concurrent authority and responsibility to the Administrator No delegation or authority prescribed herein shall preclude the Administrator, either Deputy Administrator, or the Assistant Administrator for Management, from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delega-tion or authorization is subject at all times to withdrawal or amendment by the Administrator and, in their respective fields, by either Deputy Administrator, or the Assistant Administrator for Management. The officers to whom authority is delegated herein shall keep the Administrator's Office advised with respect to major problems and developments and consult with it before taking actions which involve policy questions or major questions involving relationships with other Federal agencies, other agencies of the Department, other organizational divisions or branches of AMS, or State agencies.

Sec. 15. Existing regulations and orders. All regulations, orders, and similar instruments heretofore issued by any officer of the Department of Agriculture relating to the functions affected by this document shall continue in full force and effect, unless and until withdrawn or superseded by instruments of like authority.

Issued at Washington, D. C., this 29th day of December 1953 to become effective January 2, 1954.

[SEAT.]

O. V WELLS, Administrator

[F. R. Doc. 53-10890; Filed, Dec. 31, 1953; 8:50 a. m.1

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 168]

ERNST COHN ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Ernst Cohn, Herbert James Philippi, N. V. Amsterdamsche agent the information of names of ulti-

Amsterdam, C. Netherlands; respondents; Case No. 168.

The respondents, Ernst Cohn, Herbert James Philippi, and N. V. Amsterdamsche Maatschappij voor Industrie en Handel—"Hydrocarbon", having having been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce (formerly the Office of International Trade) United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, in that, as alleged, they caused false representation as to ultimate consignees and destinations to be made in applications for export licenses filed with the Office of International Trade (now Bureau of Foreign Commerce) and thereafter transshipped commodities exported under such export licenses to other consignees and destinations, were duly served with the charging letter, acknowledged receipt thereof, and submitted their defences and explanations thereto. At the same time that the charging letter was issued respondents were temporarily suspended from validated license privileges pending the determination of this proceeding. They were informed of their right to counsel and a formal hearing, if demanded. They did not demand a hearing. In accordance with the regulations, the evidence in this case together with the charges and all communications received from the respondents were submitted to the Compliance Commissioner for consideration, report, and recommendation by him.

The Compliance Commissioner has reported the facts with his recommendation and has transmitted the same together with the entire record to the undersigned Director, Office of Export

Now upon considering the facts of this case, after reviewing the entire record and the report of the Compliance Commissioner, I hereby make the following

Findings of fact. (1) At all times hereinafter mentioned Ernst Cohn and Herbert James Philippi were co-managers of N. V. Amsterdamsche Maatschappij voor Industrie en Handel, sometimes known as N. V. Hydrocarbon, engaged in the export-import and transit business in Amsterdam, Holland, at Herengracht 384, and all the acts hereinafter set forth were committed by said individuals on behalf of and in the name of their firm. They are all heremafter referred to as respondents.

(2) In November and December 1950, and in January, February, and July 1951, respondents caused their agent in New York City to submit to the Office of International Trade, now the Bureau of Foreign Commerce, eight applications for export licenses to ship oils or wax to themselves or other consignees therein represented to be the ultimate consignees and, in the said applications, they represented that either Holland or West Germany was the country of ultimate destination.

(3) Respondents gave to their said

Maatschappij voor Industrie en Han-del—"Hydrocarbon" 384 Herengracht, mate destination with knowledge that mate destination with knowledge that such information so given was false in each instance and with the intention that the names of the true consignees and the true countries of ultimate destination be concealed from the then Office of International Trade.

(4) Export licenses were granted upon the applications filed by respondents' agent upon their instructions.

(5) Respondents' agent, upon being placed in funds by respondents, purchased the oil or wax so licensed to be exported and, under the authority of the licenses so granted, shipped oils and wax out of the United States. In each case, the oils or wax arrived in Europe and, upon arrival there, respondents, with knowledge that each such shipment had been made under an export license permitting its export from the United States for consumption by the consignee named in the license only in the country therein named as country of ultimate destination, diverted or caused to be diverted and transshipped oils or wax so shipped from the consignees and countries named in the licenses to other consignees and countries not authorized or permitted thereby. Al-though only Holland and West Germany had been named in the applications as countries of ultimate destination, respondents actually transshipped commodities exported thereunder to Poland. Switzerland, Rostock in East Germany, Hungary, France, and Austria.

And from the foregoing, I conclude (a) that respondents knowingly concealed from their agent in the United States and from the United States Government the identities of the true ultimate consignees and the true countries of ultimate destination for the oils and wax for which they caused their agent to apply for export licenses and they did further knowingly state falsely and knowingly misrepresent to their said agent and through it to the United States Government the names of ultimate consignees and countries of ultimate destination to be inserted in applications for export licenses, in violation of § 381.1 (b) (1), (2) and (3) (i) and (ii) of the Export Control Regulations; and (b) that respondents knowingly caused to and did divert and transship oils and wax exported from the United States under the authority of licenses granted for such export to named ultimate consignees and named countries of ultimate destination from such named persons and countries to other persons and other countries not permitted or authorized under said licenses and contrary to the terms thereof, in violation of §§ 381.1 (b) (3) (i) 381.4 (b) (3) and (d) (2) of the Export Control Regulations.

The Compliance Commissioner has recommended that respondents be suspended from export privileges for a period of five years or for the duration of export control legislation, whichever is the shorter, and has stated numerous reasons for such recommendation, primarily among them being "* * * that the very nature of respondents' business is such that it is more than likely that commodities received by them from the United States will be distributed all over Europe, including Soviet-bloc countries * * * * * I have carefully considered his report and recommendation and I have concluded that the terms of the recommended order are reasonable, necessary, and proper to achieve effective enforcement of the law and they are accordingly adopted.

Now, therefore, it is ordered as follows:

I. All outstanding validated export licenses in which the respondents, or any of them, are named, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Bureau of Foreign Commerce for cancellation.

II. Respondents and each of them are hereby denied and declared ineligible for a period of five (5) years from the date hereof or for the duration of export control legislation, whichever is the shorter, to exercise the privilege of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Without limitation of the gen-Canada. erality of the foregoing, participation in an exportation shall be deemed to include and prohibit respondants' participation (a) in the filing of any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

III. Such demal of export privileges shall extend not only to the named respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and/or employees, but also to any person, firm, corporation or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated or general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation or other business organization within the scope of Part III above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: December 28, 1953.

John C. Borton,
Director,
Office of Export Supply/

[F. R. Doc. 53-10870; Filed, Dec. 31, 1953; 8:47 a. m.]

Federal Maritime Board

POPE AND TALBOT, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814

(1) Agreement No. 7944 between Pope & Talbot, Inc., Pacific Argentine Brazil Lane, Inc., and Daido Kaiun Kaisha, Ltd., covers the transportation of cargo under through bills of lading from Japan, Hong Kong and the Philippines to Puerto Rico, with transhipment at U. S. Pacific Coast ports.

(2) Agreement No. 7945 between Daido Kaiun Kaisha, Ltd., and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Hong Kong and Philippine Islands to Puerto Rico, with transhipment at U. S. Pacific Coast Ports.

(3) Agreement No. 7946 between the carriers comprising Pacific Orient Express Line joint service and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Hong Kong, and Philippine Islands to Puerto Rico, with transhipment at U. S. Pacific Coast Ports.

(4) Agreement No. 7947 between the carriers comprising the Pacific Orient Express Line joint service and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from Japan, Hong Kong and Philippine Islands to Puerto Rico, with transhipment at U. S. Pacific Coast Ports.

(5) Agreements Nos., 2743-C between the member lines of the Atlantic and Gulf West Coast of Central America and Mexico Conference; 3868-C between the member lines of the Atlantic and Gulf Panama Canal Zone, Colon and Panama City Conference; 4188-F between the member lines of the Gulf and South Atlantic Havana Steamship Conference: 4189-H between the member lines of the Havana Steamship Conference; 4610-B between the member lines of the U.S. and Gulf Ports-Jamaica (B. W I.) Steamship Conference; 7650-A between the member lines of the Santiago De Cuba Conference; 8120-A between the member lines of the United States Atlantic & Gulf-Haiti Conference; 8150-A between the member lines of the Gulf and South Atlantic-Cuban Outports Conference.

Each of these agreements supplement the basic agreement of the respective conferences by setting forth rules and regulations governing the payment of freight commissions to freight forwarders.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to any of

the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 29, 1953.

By order of the Federal Maritimo Board.

[SEAL]

A. J. Williams, Secretary.

[F. R. Doc. 53-10901; Filed, Dec. 31, 1953; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VÁRIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U.S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. Tho employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effec⁴ tive and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in theso regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522,160 to 522,168, as amended June 2, 1952, 17 F R. 3818)

American Modes, Inc., Roodhouse, Ill., effective 12-22-53 to 12-21-54; 10 learners for normal labor turnover purposes (cotton dresses).

American Modes, Inc., White Hall, Ill., effective 12-22-53 to 12-21-54; 10 learners for normal labor turnover purposes (cotton dresses).

Armored Garments, Inc., Spruce Pine, N. C., effective 12–17–53 to 12–16–54; 10 learners for normal labor turnover purposes (dungares).

Calhoun Garment Co., Calhoun City, Miss., effective 12-18-53 to 12-17-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys semidress pants).

Devil-Dog Manufacturing Co., Inc., Wendell, N. C., effective 12-29-53 to 12-28-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Dick's Dress Co., 25 Forest Street, Rutland, Vt., effective 12-17-53 to 12-16-54; 10 learners for normal labor turnover purposes (dresses).

Empire Manufacturing Co., Windor, Ga., effective 12-17-53 to 12-16-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts, and sport shirts).

Gateway Manufacturing Co., 215 West Church Street, Masontown, Pa., effective 12-20-53 to 12-19-54; 10 percent of the total number of factory production workers for normal labor turnoyer purposes (sport shirts).

Hartsville Manufacturing Co., Hartsville, S. C., effective 12-18-53 to 5-3-54; 25 additional learners for expansion purposes (cotton dresses).

Hartwell Manufacturing Co., Inc., Hartwell, Ga., effective 12–17–53 to 6–16–54; 44 learners for expansion purposes (men's and boys' work pants).

Edward Hyman Co., Hazlehurst, Miss., effective 12-22-53 to 12-21-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, coveralls, shirts).

The H. D. Lee Co., Inc., 200 Third North, Minneapolis, Minn., effective 1-2-54 to 1-1-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (bib overalls, waistband overalls, work pants and lackets).

overalls, work pants and jackets).
Leitchfield Manufacturing Co., Leitchfield,
Ky., effective 12-28-53 to 12-27-54; 10 percent
of the total number of factory production
workers for normal labor turnover purposes
(single trousers).

A. Morganstern & Co., 900 William Street, Fredericksburg, Va., effective 12-18-53 to 12-17-54; 10 percent of the total number of factory production workers for normal labor furnover purposes (dresses).

N & W Industries, Inc., 736 South President Street, Jackson, Miss., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, shirts, overalls, coats and dungarees).

Nadine Fashions, 45 North Main Street, Carbondale, Pa., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes (dresses).

Pike Garments Inc., 208-10 South Oak Street, Troy, Ala., effective 1-5-54 to 1-4-55; 10 percent of the total number of factory production workers for normal labor turnover numbers (men's and hove' patemas)

over purposes (men's and boys' pajamas). The Roswell Co., Roswell, Ga., effective 1-14-54 to 1-13-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Salley Manufacturing Co., Salley, S. C., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes (overalls).

Smith Bros. Manufacturing Co., Smith and High Streets, Neosho, Mo., effective 12-23-53 to 12-22-54, 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, ladies jeans).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn., effective 1-2-54 to 1-1-55; 10 percent of the total number of factory production workers, for normal labor turnover purposes (work pants).

York Manufacturing Corp., Ferris' Building, Swanton, Vt., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes (children's blouses, baby dresses).

Yunker Manufacturing Co., 301 Ann Street, Parkersburg, W. Va., effective 12-23-53 to 12-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (infants' cotton wear).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633)

The S. Frieder & Sons Co., Greensboro, Fla., effective 1-1-54 to 12-31-54; 10 learners for normal labor turnover purposes in the occupations listed below: Cigar machine operating, 320 hours; machine stripping, 160 hours; packing (cigars retailing for 6 cents or less),

160 hours; each 65 cents an hour (replacement certificate).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Lambert Manufacturing Co., Plant No. 3, 1006 Washington Street, Chillicothe, Mo., effective 12-17-53 to 12-16-54; 10 learners for normal labor turnover purposes (leather work sloves).

work gloves).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo., effective 12–17–53 to 12–16–54; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733)

Black Mountain Hosiery Mills, Inc., Black Mountain, N. C., effective 12-17-53 to 12-16-54; 5 learners for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1930, 15 F R. 398)

Wabasha County Telephone Co., Plainview, Minn., effective 12-22-53 to 12-21-54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866)

Louis Gallet Knitting Mills, Inc., Penn-Graft, East Millsboro, Pa., effective 12-21-53 to 4-30-54; 40 learners for expansion purposes (Indies' and men's sweaters and cardigans).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1560)

Columbia Novelty Slipper Co., Hazleton, Pa., effective 12-22-53 to 12-21-54; 10 percent of the number of productive factory workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

P & K Inc., 122 North Dixle Highway, Momenoe, Ill., effective 12-23-53 to 6-22-54; 10 learners for normal labor turnover purposes; fly tyers, fish hook benders, fish hook brazers; each 320 hours at: at least 63 tents an hour for the first 160 hours and at least 70 cents an hour for the remaining 160 hours (fishing tackle).

Haspel Brothers, Inc., New Orleans, La., effective 1-8-54 to 1-7-55; 7 percent of the total number of factory production workers for normal labor turnover purposes; machine operators (except cutters), pressers, and hand sewers at 480 hours each at: at least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (men's and boys' summer clothing).

The following special learner certificate was issued to the school-operated industry listed below:

Oakwood College, Huntsville, Ala., effective 12–15–53 to 8–31–54; broom shop; broom maker, sorter, winder, stitcher and related skilled and semiskilled occupations; Collearners; 150 hours at 60 cents per hour, 125 hours at 65 cents per hour and 125 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the

length of learning period and the learner wage rates are indicated, respectively.

Svivania Electric of Puerto Rico, Inc., Rio Pictirao, P. R., effective 12-15-53 to 4-14-54; 32 learners in the occupations of coil vinding (machine). 169 hours at 34 cents an hour and 169 hours at 37 cents an hour; speaker accembling, 169 hours at 34 cents an hour; impecting, 169 hours at 34 cents an hour (loud openhers for radio).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of December 1953.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F. R. Doc. 53-10324; Filed, Dec. 31, 1953; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10799, 10200, 10301]

HALIPTON ROADS BROADCASTING CORP.

NOTICE OF PREHEARING CONFERENCE

In the matter of Hampton Roads Broadcasting Corp., Newport News, Virginia, Docket No. 10759, File No. BFCT-502; Beachview Broadcasting Corp., Norfolk, Virginia, Docket No. 10309, File No. BFCT-1605; Portsmouth Radio Corporation, Portsmouth, Virginia, Docket No. 10001, File No. BPCT-1750; construction parmits for new commercial television broadcasting stations.

In accordance with § 1.813 of the Commission's rules, a pre-hearing conference of all counsel in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., beginning at 10:00 a. m., Monday, January 4, 1034

Dated: December 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

CHARLES J. FREDERICK, Hearing Examiner.

[F. R. Dac. 53-10272; Filed, Dec. 31, 1953; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6538]

BLACK HILLS POWER & LIGHT CO. NOTICE OF APPLICATION

DECELIBER 28, 1953.

Take notice that on December 21, 1953, an application was filed with the Federal

40 NOTICES

Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power & Light Company a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of such number of shares of Comon Stock as will equal an aggregate offering price not in excess of \$300,000, computed upon the market value of Applicant's Common Stock as determined from transactions or quotations in the over the counter market on a specified date within fifteen days prior to the date of filing with the Securities and Exchange Commission a letter of notification under Regulation A of the Securities Act of 1933. The securities proposed to be assued will be offered to holders of the presently outstanding Common Stock of Applicant pro rata according to their preemptive rights, with additional rights to such stockholders to subscribe for any shares not taken upon the exercise of the preemptive rights. The offering will not be underwritten. The Applicant, however, proposes to pay compensation of 25 cents per share to security dealers who are members of the National Association of Security Dealers, Inc, who assist stockholders in the exercise of their warrants and whose names are stamped on warrants that have been duly exercsied. The net proceeds to Applicant from the issuance and sale of the Common Stock is estimated at \$260,000 after deducting expenses and commissions; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the fifteenth day of January 1954, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-10865; Filed, Dec. 31, 1953; 8:46 a. m.]

[Docket No. E-6539]
OTTER TAIL POWER CO.
NOTICE OF APPLICATION

DECEMBER 28, 1953.

Take notice that on December 21, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of North Dakota, South Dakota and Minnesota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance and sale of \$2,500,000 of its tenger Convertible Debentures, bearing interest at the rate of 4 percent per year, to be issued in January or February.

1954, to mature January 1, 1964. The application also seeks authority to issue an unspecified number of shares of Common Stock, par value \$5.00 each, upon conversion of such Convertible Debentures (the exact number of shares to be issued upon conversion to be determined at the time of entering into the Underwriting Agreement referred to in the application). The proposed Debentures will be offered to common stockholders ratably in the proportion of \$4.00 Debentures to each share of Common Stock outstanding, pursuant to the preemptive rights of the holders of Common Stock, and it is contemplated that the warrants by which the Convertible Debentures will be so offered to common stockholders will expire fourteen days from the date of issue. Applicant also seeks an order granting exemptions from the competitive bidding requirements of § 31.1 of the Commission's rules and regulations with respect to the underwriting of said Convertible Debentures; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fifteenth day of January 1954, file with the Federal Power Commission, Washington 25, D. C., a petition in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-10866; Filed, Dec. 31, 1953; 8:46 a. m.]

[Docket Nos. G-2332, G-2333]

ARKANSAS-OKLAHOMA GAS CO., AND FORT SMITH CORP.

NOTICE OF APPLICATIONS

DECEMBER 28, 1953.

In the matters of Arkansas-Oklahoma Gas Company Docket No. G-2332; Fort Smith Gas Corporation, Docket No. G-2333.

Take notice that there have been filed with the Federal Power Commission by the persons and on the dates hereinafter designated several interdependent applications each for authorization pursuant to section 7 of the Natural Gas Act as hereinafter set forth, all as more fully described in the respective interdependent applications.

Arkansas-Oklahoma Gas Company (Arkansas-Oklahoma) a Delaware corporation, address 35 South Seventh Street, Fort Smith, Arkansas, filed on December 11, 1953, an application at Docket No. G-2332 pursuant to section 7 (b) of the Natural Gas Act for authority to sell and transfer its gathering, transmission and distribution facilities to the Fort Smith Gas Corporation (Fort Smith Gas) and to abandon the service rendered through such facilities.

A companion application at Docket No. G-2333 was filed on December 11, 1953, by Fort Smith Gas, an Arkansas corporation, address 35 South Seventh Street, Fort Smith, Arkansas, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the facilities proposed to be sold by Arkansas.

The facilities proposed to be acquired by Fort Smith Gas include 61.2 miles of gathering lines, 236.9 miles of transmission lines, 231.6 miles of distribution mains, and 207,000 feet of customers' services. Following the acquisition of these facilities, Fort Smith Gas proposes to use such facilities in exactly the same manner as now employed by Arkansas-Oklahoma for the transmission and distribution of natural gas in Sebastian, Crawford and Franklin Counties in Arkansas, and LeFlore and Sequoyah Counties in Oklahoma.

The facilities are proposed to be purchased for the net book value as of the date of purchase. At September 1953 the net book value was \$1,938,009.34.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL]

Leon M. Fuguay, Secretary.

[F. R. Doc. 53-10867; Filed, Dec. 31, 1953; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, 59-97, 70-2681, 70-3156]

Mission Oil Co. et al.

ORDER REGARDING CONSOLIDATION OF PROP-ERTIES AND ELIMINATION OF HOLDING COMPANY, AND ORDER CONFORMING TO SUPPLEMENT R OF THE INTERNAL REVENUE CODE

DECEMBER 24, 1953.

In the matter of The Mission Oil Company, Southwestern Development Company and subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97, Albert R. Jones, et al., File No. 70-2681, Southwestern Development Company, Amarillo Gas Company Amarillo Oil Company, Clayton Gas Company, Dalhart Gas Company Red River Gas Company, West Texas Gas Company, File No. 70-3156.

An application-declaration having been filed with this Commission pursuant to sections 7, 10 and 12 of the Public Utility Holding Company Act of 1935 by Southwestern Development Company ("Southwestern") a registered holding company and by its wholly owned subsidiary companies, Amarillo Gas Company ("Amarillo Gas") Amarillo Oil Company ("Amarillo Oil"), Clayton Gas Company ("Clayton"), Dalhart Gas Company ("Dalhart"), Red River Gas Company ("Red River") and West Texas Gas Company ("West Texas"), regarding certain proposed transactions which are summarized as follows:

In brief, it is proposed that the Southwestern holding-company system, presently consisting of Southwestern which is the parent holding company, and six subsidiaries thereof, will be changed so that there will continue in existence a single operating public-utility company-namely, Amarillo Gas, whose name will be changed to Pioneer Natural Gas Company ("Pioneer")-and a single non-utility company-Amarillo Oil, which will be a subsidiary of Pioneer. Southwestern will be liquidated and dissolved, and its stockholders will receive in place of their shares in Southwestern, a pro rata amount of the common stock of Pioneer. Sinclair Oil Corporation ("Sinclair") a partially exempt registered holding company, which owns approximately 53 percent of the common stock of Southwestern, will receive in exchange therefor a like percentage of the common stock of Pioneer.

The steps in the program are as follows:

(a) Amarillo Oil will transfer its transmission line properties to West Texas in exchange for the latter's production properties (gasoline plant, gathering lines and any other production facilities) This exchange will be made on the basis of the respective book values of the properties, with Amarillo Oil paying West Texas in cash the excess of the book value of the West Texas properties over that of Amarillo Oil in the amount of approximately \$142,300.00.

(b) Southwestern will make a contribution to the capital of West Texas by cancelling all indebtedness owing by

West Texas to Southwestern.

- (c) Under a plan of reorganization to be entered into between Southwestern, Amarillo Oil and Red River, Amarillo Oil will amend its charter to authorize an additional number of shares of its stock (approximately 87,000 shares) of a par value of \$25 per share having an aggregate par value equal to the net o book value of Red River's properties and the indebtedness of Amarillo Oil to Southwestern. Red River will subscribe for such part thereof as will equal the book value of all of its properties less its liabilities, which properties will be transferred by Red River to Amarillo Oil in payment for such stock, Amarillo Oil assuming Red River's liabilities. Southwestern will subscribe for the balance of such shares and pay therefor by cancelling the indebtedness owing by Amarillo to Southwestern. Red River will dissolve and distribute its holdings of Amarillo Oil stock to Southwestern in cancellation of Red River's stock held by Southwestern.
 - (d) Under a plan of reorganization to be entered into between Southwestern and Amarillo Gas, Amarillo Gas will amend its corporate charter so as to change its name to Pioneer, reclassify its capital stock, and make other provisions necessary to the consummation of the transactions involved in the program, as well as to provide additional protection for investors.
 - (e) Also pursuant to the plan of reorganization between Southwestern and Amarillo Gas, Southwestern will (1) surrender the presently outstanding 5,000 shares of capital stock of Amarillo Gas, par value \$100 per share, owned by it for conversion into 66,666% reclassified shares of the par value of \$7.50 per share,

and (2) cancel all indebtedness owing by Amarillo Gas to Southwestern and transfer to Amarillo Gas all of the assets and properties of Southwestern other than Amarillo Gas \$7.50 par value capital stock held by it, including all of the outstanding capital stocks of Amarillo Oil, West Texas, Dalhart and Clayton, in payment for the unissued 1,330,84715 shares of the \$7.50 par value capital stock of Amarillo Gas (including 66,666%) shares of reclassified treasury stock) which 1,388,8471/3 shares will be issued to Southwestern. As a part of the consideration for the transfer of these assets by Southwestern, Amarillo Gas will assume all of the liabilities of Southwestern including \$9,450,000 principal amount of notes having varying maturities and interest rates from 2½ percent to 3¼ percent per annum.

(f) Immediately following the completion of the steps set forth in paragraph (e) above, West Texas, Dalhart and Clayton will transfer, in liquidation, all of their properties to Amarillo Gas subject to and upon the assumption of all of their liabilities by Amarillo Gas. West Texas, Dalhart and Clayton will

then be dissolved.

(g) Upon the completion of the steps set forth above, a meeting of the steel:holders of Southwestern will be held to authorize the distribution of Southwestern's assets to its stockholders and its dissolution.

(h) Southwestern will transfer to the holders of the 727,757 shares of its capital stock in exchange for the surrender for cancellation by such stockholders of the shares of \$5.00 par value capital stock of Southwestern presently held by them, two shares of Pioneer \$7.50 par value capital stock for each share of Southwestern stock so held.

(i) After consummation of all of the foregoing transactions, Southwestern

will be dissolved.

It is stated that the right of Southwestern stockholders to receive Pioneer capital stock in exchange for the surrender for cancellation of their shares of Southwestern capital stock shall be without limitation as to time, and that Southwestern will, however, during a reason-able period following the beginning of such distribution and transfer make every reasonable effort from time to time to locate such Southwestern stockholders as are entitled to receive Pioneer capital stock but whose Southwestern stock has not been surrendered for exchange.

The declaration states that The New Mexico Public Service Commission has jurisdiction over the sale of the stock or properties of Clayton and that its approval has been obtained, and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Southwestern has also requested an order of the Commission pursuant to section 5 (d) of the act to be issued upon the filing of a certificate of notification of consummation of the transactions as proposed in the application-declaration, which order shall direct that Southwestern has ceased to be a holding company under the act and that its registration under the act has ceased to be in effect.

Southwestern and Sinclair have anplied, in certain proceedings captioned "In the Matter of The Micsion Oil Company, Southwestern Davelopment Company and Subsidiaries, and Sinclair Oil Corporation, File Nos. 54–196, 59–97, and in the Matter of Albert R. Jones, et al., File No. 70-2681" filed under section 11 (e) of the act, wherein the Commission approved a plan of reorganization by its Findings, Opinion and Order dated Dacember 21, 1951 (Holding Company Act Release No. 10969) for a Supplemental Order containing recitals conforming to Supplement R and section 1808 (f) of the Internal Revenue Code with regard to certain of the transactions outlined above, and also with respect to the sale by Sinclair (within six months from the date of this order or within such longer time as the Commission may by further order direct) of the stock of Pioneer which Sinclair will receive in lieu of the Southwestern stock which it now holds and the investment of an amount equal to the preceeds of such sale in Sinclair Refining Company, a wholly owned subsidiary of Sinclair.

Southwestern has filed a notice of special meeting, proxy and letter of transmittal in connection with a special meeting which it proposes to hold to obtain authorization of certain of the transactions outlined above.

It is requested that the Commission's order entered herein become effective upon the issuance thereof.

Appropriate notice of said filing having been given pursuant to Rule U-23 and no hearing having been requested of or ordered by the Commission; and

The Commission finding (which findings will be contained in a memorandum opinion to be filed herein) that the proposed transactions satisfy the applicable provisions of the act and the rules promulgated thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that the application be granted and that the Commission's order herein become effective forthwith:

It is ordered, That said applicationdeclaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

(1) That jurisdiction be and the same hereby is, reserved over all fees and expenses incurred or to be incurred in connection with the proposed transactions and the consummation thereof;

(2) That jurisdiction be and the same hereby is reserved to issue an order pursuant to section 5 (d) of the act with respect to Southwestern upon the filing of a certificate of notification of consummation of the transactions as proposed in the application-declaration as amended.

It is further ordered and recited, Sunplementing and amending, to the extent necessary, the Commission's order of December 21, 1951, referred to above, that the steps and transactions itemized below are necessary or appropriate to the integration or simplification of the holding company system of which Sinclair, Southwestern, and the subsidiaries of Southwestern are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and are hereby approved and authorized:

- (1) The issuance by Amarillo Gas (Pioneer) to Southwestern of new certificates evidencing 1,388,8471/3 shares of the \$7.50 par value capital stock of Amarillo Gas (Pioneer) (including 66,666% shares of reclassified treasury stock) and the assumption by Amarillo Gas (Pioneer) of all liabilities of Southwestern, including the obligations of Southwestern to Guaranty Trust Company then outstanding under the presently outstanding loan agreement between Southwestern and Guaranty in exchange for the transfer by Southwestern to Amarillo Gas (Pioneer) of all assets of Southwestern other than the 66,666% reclassified shares of \$7.50 par value capital stock held by Southwestern (including all the outstanding capital stocks of Amarillo Oil, West Texas, Dalhart and Clayton and notes of Amarillo Gas (Pioneer) held by Southwestern)
- (2) The distribution and transfer by Southwestern to its shareholders, in exchange for the surrender of Southwestern stock, of '1,455,514 shares of the \$7.50 par value capital stock of Amarillo Gas (Pioneer) to be received by Southwestern from Amarillo Gas (Pioneer)
- (3) The sale, at public or private sale, by Sinclair of the 769,721.72 shares of the \$7.50 par value capital stock of Amarillo Gas (Pioneer) to be received by it in exchange for the 384,860.86 shares of the \$5.00 par value common stock of Southwestern now held by Sinclair.
- (4) The investment by Sinclair of an amount equal to the proceeds of the above-mentioned sale by it of the \$7.50 par value capital stock of Amarillo Gas (Pioneer) as a contribution to the capital of Sinclair Refining Company, a Maine corporation, and a wholly owned subsidiary of Sinclair.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-10868; Filed Dec. 31, 1953; 8:46 a. m.]

[File No. 70-3162]

CENTRAL OHIO LIGHT & POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE OF BANK LOAN NOTES TO BE OUTSTANDING AT ANY ONE TIME

DECEMBER 28, 1953.

Central-Ohio Light & Power Company ("Central") a public-utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 (a) (2) thereunder regarding the following proposed transactions:

Central has established a line of credit with six banking institutions in the aggregate amount of \$3,500,000, and proposes to borrow from time to time prior to December 31, 1954, up to but not to exceed \$3,500,000 outstanding at any one time and to issue and deliver to said banks its notes as evidence of such borrowings. The notes to be issued by Central will in each case be dated as of the date of such borrowings, will bear interest from the dates thereof at the then prime interest rate, which is presently 31/4 percent per annum, and will mature not more than 270 days after the date of issuance. Central may prepay the notes from time to time, in whole or in part, without premium, and partial payments would be made ratably on all of the notes on the date or dates designated by Central.

The amount of not to exceed \$3,500,000 outstanding at any one time proposed to be borrowed will be used by Central for the following purposes:

- (a) The payment, simultaneously with the initial borrowing under such line of credit, on or before January 11, 1954, of
- (1) All of Central's then outstanding 3½ percent Sinking Fund Debentures due 1963, in the face amount of \$900,000, at the redemption price thereof of 102.25 percent of par together with accrued interest to the date of redemption;
- (2) All of Central's presently outstanding notes payable, which mature on January 11, 1954, in the face amount of \$1,600,000, at the face amount thereof, and
- (3) All of Central's presently outstanding notes payable to banks, which mature on January 7, 1954, in the face amount of \$400,000, at the face amount thereof; and
- (b) To finance part of the costs of Central's construction program which it estimates at \$964,000 for 1954.

Central agrees that provision will be made in its next permanent financing for the prepayment of all of the notes then outstanding and that, at such time, the authorization requested herein with respect to such notes shall terminate.

No finders' fees or commissions are to be paid by Central in connection with the proposed issuance of the notes. Expenses to be incurred by Central are estimated not to exceed \$500.

Central requests that the Commission's order permitting its declaration to become effective be issued as soon as practicable pursuant to Rule U-23 promulgated under the act, waives the 30-day waiting period and requests that the Commission's order herein become effective upon issuance.

The Commission having examined Central's declaration and the statements contained therein and having found that the applicable provisions of the act and the rules thereunder are satisfied; and

Due notice of the filing of said declaration having been given and no hearing having been ordered by, or requested of, the Commission:

It is hereby ordered, That the declaration of Central, as amended, be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary,

[F. R. Doc. 53-10869; Filed, Dec. 31, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28780]

PROPORTIONAL RATES ON GRAIN FROM KAN-SAS CITY, MO., TO PORT ARTHUR, TEX., FOR EXPORT

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to schedules listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Kansas City Mo.

To: Port Arthur, Texas, for export. Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: St. Louis-San Francisco tariff I. C. C. No. A-532, supp. 1, St. Louis-San Francisco tariff I. C. C. No. A-478, supp. 7

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Secretary,

[F. R. Doc. 53-10877; Filed, Dec. 31, 1953; 8:47 a. m.]

[4th Sec. Application 28781]

LIME FROM CLEBURNE, TEX., TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul

provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lime (calcium) viz. common lime, including magnesium lime, hydrated, quick or slack, carloads.

From: Cleburne, Texas.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routing.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3986, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved a such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Secretary.

[F. R. Doc. 53-10878; Filed, Dec. 31, 1953; 8:47 a. m.]

[4th Sec. Application 28782]

Grain, Grain Products and Related Articles, Carloads, From Sioux City, Iowa, to Stations in Illinois

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for the Chicago & Eastern Illinois Railroad Company and Chicago and North Western Railway Company.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Sioux City, Iowa.

To: East St. Louis, Ill., and certain other points in Illinois.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. A-3866, supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the explration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission,

[SEAL]

George W. Laird, Secretary.

[F. R. Doc. 53-10379; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28783]

MOTOR-RAIL RATES ON MOULDING SAND FROM SANDALE, IND., TO THE SOUTH-WEST

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed be-

Commodities involved: Moulding sand, carloads.

From: Sandale, Ind.

To: Points in southwest.

Grounds for relief: Competition with rail carriers, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C.

3736, supp. 240.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. LAIRD, Secretary.

[F. R. Doc. 53-10380; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28784]

SULPHURIC ACID, FROM SAVANNAH AND PORT WENTWORTH, GA., TO VALBOSTA, GA.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid in tank-car loads.

From: Savannah and Port Wentworth, Ga.

To: Valdosta, Ga.

Grounds for relief. Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, L. C. C.

No. 1357, supp. No. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Secretary.

[F. D. Dec. 53-10331; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28785]

SULPHURIC ACID FROM SOUTHERN TERRI-TORY TO EASTPORT JUNCTION, FLA.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Specified points in southern territory.

To: Eastport Junction, Florida.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. No. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W. Laird, Secretary.

[F. R. Doc. 53-10882; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28786]

Molding Sand From Lexington and Saulsbury, Tenn., to Pomeroy, Ohio

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Molding sand,

From: Lexington and Saulsbury, Tenn.

To: Pomeroy Ohio.

carloads.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

No. 1315, Supp. No. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Secretary.

[F. R. Doc. 53-10883; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28787]

CATALOGUES FROM CHICAGO, ILL., TO COUNCIL BLUFFS, IOWA, OMAHA, NEBR., ST. JOSEPH, MO., AND WICHITA, KANS.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedules listed below. Commodities involved: Catalogues, in

packages, carloads.

From: Chicago, Ill., and points taking same rate.

To: Council Bluffs, Iowa, Omaha, Nebr., St. Joseph, Mo., and Wichita, Kans.

Grounds for relief: Rail competition, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. A-3733, supp. 98; W J. Prueter, Agent, I. C. C. No. A-3991, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. m its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is

found to be necessary before the expira-

tion of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Secretary,

[F. R. Doc. 53-10884; Filed, Dec. 31, 1953; 8:48 a. m.]

[4th Sec. Application 28788]

Superphosphate From Southern Territory to Fairbury, Nebr., and Hatfield, Minn.

APPLICATION FOR RELIEF

DECEMBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R E. Boyle, Jr., Agent, for carriers parties to schedule listed below.
Commodities involved: Superphos-

phate (acid phosphate) carloads.

From: Points in southern territory.

To: Fairbury Webr. and Hatfield.

To: Fairbury, Webr., and Hatfield, Minn.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations,

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

No. 1286, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period. may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Secretary.

[F. R. Doc. 53-10885; Filed, Dec. 31, 1953; 8:48 a. m.]